I

APPENDIX FOR RESPONDENT

SEP 9 1974
MICHAEL RODAK, JR., CLERK

IN THE

# Supreme Court of the United States

OCTOBER TERM, 1974

No. 73-1148

In the matter of the APPLICATION OF CHERYL SPIDER DECOTEAU, natural mother and next friend, and on behalf of ROBERT LEE FEATHER and HERBERT JOHN SPIDER for a WRIT of HABEAS CORPUS.

*Petitioner,*

v.

THE DISTRICT COUNTY COURT FOR THE TENTH JUDICIAL DISTRICT,

*Respondent.*

*ON WRIT OF CERTIORARI TO THE SUPREME COURT OF SOUTH DAKOTA*

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71125--1897.

"G"

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
WASHINGTON, D. C., Aug. 5, 1897.

The Commissioner
of Indian Affairs,

Sir:

Referring to your letter of July 27, 1897, Land - 29166-1897, inquiring as to the status of lots 1 and 2 Sec. 3 T. 124 N. R. 51 W., former Sisseton and Wahpeton Reservation, South Dakota, I have to state that the records of this office show that lot 1 was patented to Christina Belle Bailey, and lot 2 to Millie M. Bailey, July 22, 1889 - Recorded in Vol. 3 pp. 344 and 357.

These patents were sent to your office July 25, 1889.

Very respectfully,

Assistant Commissioner.

State of South Dakota )
) ss
County of Roberts )

Personally appeared before me a notary public of the State of South Dakota, David Johnson, and William Wakana, who being by me severally duly sworn, upon their oaths say: That they reside at Sisseton Agency State of South Dakota and have resided there for ... Sisseton and Wahpeton Indians in the State of Dakota both for more than twenty years last past; that they were well acquainted with Wi Indian woman by the name of Wakiska, in the Yankton and other tribes for many years, and that said Wakiska was a Santee Indian, and died several years ago at Santee Agency in the State of Nebraska.

That said Wakiska was the allotted Indian who selected the S.E.1/4 of Section 28, Township 122 N. Range 50 W. upon the ... Sisseton and Wahpeton Reservation, in the State of South Dakota, and who was also allotted the S. 1/2 of the S.W.1/4 Section 1, Township 122 N. Range 4 from the former Santee Reservation in the State of Nebraska, and who was the mother of Philip Webster, who resides at Santee Agency State of Nebraska, and that they know the said Philip Webster to be the sole living heir of said Wakiska.

That the said Wakiska was never a member of the Sisseton and Wahpeton bands of Sioux Indians, and never resided upon the Sisseton and Wahpeton Indian Reservation in the State of South Dakota only visiting on said reservation a short time when the allotments were being made by the Government to said Sisseton and Wahpeton Indians.

That the said Wakiska was at one time prior to receiving said allotments the wife of one Jonah Flute, and resided with her said husband some years at Flandreau South Dakota, upon a homestead of government land, obtained by them from the government, and that the said Jonah Flute have since died.

That the said Philip Webster was the son of said Wakiska by a former husband, one Wiyakoyeyani who died in the State of Minnesota in the year 1862, and is the only child living, and living of said Wakiska, and only heir.

David Johnson

William Wakana

Subscribed and sworn to before me this 4th day of October 1901

L. C. Stanson

Notary Public.
So Dak
My Commission expires
Aug. 30 1905.



State of South Dakota)
(ss.
County of Roberts )

Henry S. Morris, being duly sworn, doth depose and say that he is a resident of the City of Sisseton, County of Roberts in the State of South Dakota and has been for the past six years. That in the year 1870, as a child he moved with his parents to the Goodwill Mission which is located near the Sisseton Agency within the former Lake Traverse Indian reservation in South Dakota. That during all of the years intervening from 1870 to 1891, this affiant continued to live at the said Goodwill Mission with the exception of such time or times as he was away attending school or college. That since the year 1891 and up to the present time, he has been located, first at Brownsvalley, Minnesota, for a few months, then at Wilmot, South Dakota as clerk of the Circuit Court for the period of four years and since that at Sisseton, South Dakota. That the first named place to wit: Brownsvalley Minnesota, is located on the west line of the state of Minnesota and within a mile of the boundry line of the said Lake Traverse Indian Reservation. That the said town of Wilmot was the former County seat of Roberts County, South Dakota, in which the larger part of the former Lake Traverse Indian reservation is located. That the said town of Sisseton is situated within the former Lake Traverse Indian reservation and about eight miles distant from the Sisseton Agency. That by reason of these facts, the said affiant during all of these years been intimately acquainted with the Indians residing upon the said Lake Traverse Indian Reservation. That the said affiant speaks the Indian language as fluently as he speaks the English.

Affiant further deposes and says, that during the year 1891, as a United States special agent, he was engaged in the allotment of lands to the said Indians residing at the said Sisseton Agency and within the former Lake Traverse Indian reservation. That as such United States special agent, this affiant made allotment in the said year among others to one Ko zi pe and his family as more fully appears upon the allotment sheet number 73 of the allotment roll which was returned by this affiant to the honorable commissioner of the Indian affairs. That the number of the said

Ko zi pe on the said allotment roll I3I2 and that the names of the family of the said Ko zi pe and the descriptions of the lands allotted to him and to his family are asffollows : to Ko zi pe allotment # I3I2 the NWof Sec. 3,Twp. I25, R. 5I. To Ocan ku to pa na allotment # I3I3, a son of the siad Ko zi pe but erroneously marked daughter upon the said allotment roll the N ½ of the NE ¼ and the E ½ of the NW ¼ Sec. 4, Twp. I25, R. 5I. To Wi ya wa xte win # I3I4 on the allotment roll wife of said Ko zi pe the SE ¼ Sec. 34, Twp. I26, R. 5I. To A ki ta pe win # I3I5, a daughter of said Ko zi pe the SE ¼ Sec. 33 Twp. I26, R. 5I and to Ka ko ce yu he na # I3I6 on said allotment roll a son of said Ko zi pe, the W ½ of the NE ¼ and the W ½ SE ¼ Sec. 3, Twp. I25, R. 5I, all of which will more fully appear, reference being had to the allotment rolls on file in the office of the honorable commissioner of Indian affairs. That the said Ko zi pe was placed upon the said roll and given the said allotment of lands by reason of the fact that an investigation made by this affiant as United States special agent, showed him to be a member of the Sisseton and Wahpeton Band of Sioux Indians. That he had no other allotments at any other Indian agency and was entitled to enrollment at the Sisseton Indian Agency and also by reason of the petition signed by Adam Littlethunder and other Indians members of the Sisseton and Wahpetan Band of Indians and located at the Sisseton Agency, which said petition was filed with the said allotment roll as appendix # 2. That when the investigation referred to herein was completed, and the said Ko zi pe appeared before this affiant for the purpose of selecting his lands for allotment, he appeared with one Adam Littlethunder already herein referred to, and in reply to the question of this affiant stated that his name was Ko zi pe or Ka ke wa xte xte or Ka to hna xkin yan and that the said Indian was accordingly enrolled under the name of Ko zi pe, that the Indian name Ka to hna xkin yan being interpreted means Crazy Bear and that the name as first given herein to Ko zi pe





was given by the said Indians as an attempted pronounciation of the words Crazy Bear, but was not at that time so understood by this affiant. Affiant further deposes and says that the Indian and his family to whom the above described allotments were made and who was enrolled in the said allotment roll as Ko zi pe # I3I2, and the Indian now residing near Sisseton upon the siad and above described lands and known as Crazy Bear or Ka to hna xkin yan is the same and identical person. Affiant further deposes and says that to the best of his knowledge and recollection no other Indian or Indians ever selected the above described lands or asked for the said lands to be allotted to them. Affiant further deposes and says that the investigation above referred to was made because of the fact that the said Ko zi pe or Crazy Bear had some time prior to I89I been residing at other Agencies in North Dakota and had not immediately prior to I89I been a resident at the Sisseton Indian Agency, and as this affiant now remembers was not enrolled upon the payment roll as prepared by the Indian agent W. McKusick and special agent S. H. Elrod. Affiant further deposes and says that the matters sworn to herein are all matters of his own personal knowledge and recollection and are not matters(except as otherwise stated) which are based on information and belief.

Henry Sillonn

Subscribed and sworn to before me this 30 day of September, 1902.

L. [illegible]
Notary Public

Washington. November I8, I902.

Hon. A.B. Kittridge,

United States Senate,

Washington, D.C.

Sir:

Referring to your communication, dated August 22, I902, in which you stated that the claim was made that certain described lands in the former Sisseton reservation should be relaived from Indians Allotment on the ground that the allottee had another tract of land, and to office letter of September I2, I902, in reply thereto, you are advised that this office is now in receipt of a communication from Agent C.H. Jackson of the Sisseton Agency, dated November 8, I902, in which he transmits the evidence taken by him covering the following allotments, No. I3I2, Kozipi, the N.W. ¼ of Sec. 3, T. I25, R. 5I; No. I3I3, O-can-ku-to-pa-win, the W½ of the NE¼ and the W½ of the NW¼ of Sec 4, T. I25, R.5I W; No. I3I4, Mi-ya-wa-ste-win, the SE¼ of Sec. 34, T. I26, N. of R. 5I W.; No. I3I5. A-ki-ta-pi-win, the SE¼ of Sec. 33, T. I26, N. of R. 5I, W.; No. I3I6, Ma-ko-ca-yu-he-na, the W½ of the N.W.¼ and the W½ of the SE¼, Sec. 3, T.I25, N. of R. 50 W.

According to the schedule on file in this office allottee, No. I3I4 is the wife of No. I3I2, Nos. I3I3 and I3I5 are the daughters and No. I3I6 is the son of No. I3I2.

At the hearing before the Agent it was contended by the parties attacking the allotments that ~~there~~ these allotments were selected by and for Hin-han-ko-yag-mani, or Walks with Owl, a Crow Creek Indian, who, with six children, was allotted on the Crow Creek reservation.

It is contended by the allottee, and supported by the evidence among other witnesses, of Special Allotting Agent, H.S. Morris, who made the allotments, that Ko-zi-pi is an Indian, named in English, Crazy Bear, or in Indian, Ma-to-hna-skin-yan.

There appears to be no reasonable doubt that Crazy Bear was the Indian intended to be allotted.



It is further maintained by those attacking the allotments, that Crazy Bear was not entitled to allotment, as he belonged to the hostiles, who were assigned to the Devil's Lake reservation, in North Dakota.

Regarding this contention, Special Alloting Agent Morris, swears that in I89I he made allotments to the Sisseton Indians, and among others, to Ko-zi-pi and his family, as more fully appears on allotment sheet No.73, He describes the allotments and states that No. I3I3 was made to O-can-ku-to-pa-win, a son of Ko-zi-pi, but erroneously marked " daughter" on said schedule; that said Ko-zi-pi , was placed upon the roll and given allotments by reason of the fact that an investigation was made by him as Special Alloting Agent showed Ko-zi-pi to be a member of the Sisseton and Wahpeton, Band, of Sioux Indians; that he had no other allotments at any other Indian Agency, and was entitled to enrollment at the Sisseton Agency. and also by reason of a petition signed by Adam Little Thunder, which petition was filed with said allotment schedule as an appendix, that when the investigation was completed Ko-zi-pi appeared before the affiant for the purpose of selecting his land, that he appeared with Adam Little Thunder and stated that his name was Ko-zi-pi, or Ka-ka-wa-xte-xte or Ma-to-hna-xkin-yan, and that said Indian was enrolled under the name of Ko-zi-pi. the name of Ma-to-hna-xkin-yan, meaning Crazy Bear, and Ko-zi-pi, being an attempted pronunciation by the Indian of Crazy Bear.

The petition referred to is on file in this office, It is signed by J.B. Brown, and twenty seven other members of the tribe, who state that they know Ko-zi-pi Sa-ka-waste-ste to be a Sisseton and Wahpeton Indian by blood and worthy to receive an allotment on the Lake Traverse Reservation, they therefore petition that allotments be made him and family. To this is added a note " 4 in total) and one born since the above was written".

On this statement, and Special Alloting Agent Morris's report, the allotments of Ko-zi-pi and the four members of his family were approved.

It has always been found impossible to strictly draw the line between the loyal members of the Sisseton and Wahpeton Bands and those who were either hostile or else, through fear or other causes, fled with the hostile at the time of the outbreak. It is well known that some of the Indians upon the Sisseton and Wahpeton reservation, were either actively disloyal

or else accompanied the hostiles. Two reservations were provided for these bands, one at Sisseton and one at Devil's Lake the latter being for the hostile Indians.

Crazy Bear is admitted to be a member of the Sisseton Band and he has not been allotted on the Devil's Lake Reservation. His son has improvements upon h s allotment, and the father and mther live with him. This office sees no good reason for cancelling the allotment made to him eleven years ago, and allowing him to take lands on the Devil's Lake reservation. In the opinion of this office the allotent should stand.

Very Respectfully,

W.A. Jones,

Commissioner.



House of Representatives U.S.
Washington.D.C.

February 10, 1906.

Hon. Commissioner of Indian Affairs,
Washington, D. C.

Sir:

I would respectfully request to be informed as to the present status of a contest, instituted by one Joseph Halbauer, against allotment #410, for the S.W.1/4 N.W.1/4, N.W.1/4 S.W.1/4 13, and S.E.1/4 N.E.1/4 and N.E.1/4 S.E.1/4 14-125-54, in what was formerly the Sisseton Indian Reservation in South Dakota.

Respectfully,

Land-Sales
5451-1912
88028-1912
J F M

Transmits patent in fee.

FOR FILE

NOV 13 1912

Mr. Sanford E. Allen,

Supt. Sisseton School.

Sir:

There is enclosed patent in fee No. 299022 issued to Nick Weis, purchaser of Lots 2, 3 and 4 and the N/2 of the NE/4 of Sec. 24, and Lot 2 of Sec. 13, T. 126 N., R. 58 W. of the 5th P. M. in former Sisseton and Wahpeton Reservation in South Dakota, 166.40 acres of the allotment of Sophia W. Vanderheyden, deceased Sisseton allottee No. 84.

You will deliver the patent to the patentee, taking his receipt therefor in duplicate, the original of which you will transmit to this Office.

Instructions as to the disposition of the proceeds of the sale were given you in Office letter of October 29, 1912 (5451-12).

Respectfully,

FILED BY E. S. S.

(Signed) F. H. Abbott.

11-PTH-11 [redacted] Commissioner.



J F M

Transmits patent in fee.

APR -3 1913

FOR FILE!

Mr. Sanford E. Allen,

Supt. Sisseton School.

Sir:

There is enclosed patent in fee No. 320419, issued to Nils E. Olson, purchaser of the NE/4 of the NW/4, and Lot 1 of Sec. 30, T. 124 N., R. 50 W. of the 5th P.M., in former Sisseton and Wahpeton Reservation, South Dakota, containing 79.56 acres of the allotment of Emma Redearth, noncompetent Sisseton allottee No. 632.

You will please deliver the patent to the purchaser, taking his receipt therefor in duplicate, the original of which you will transmit to this Office. Instructions as to the disposition of the proceeds of the sale were given you in Office letter of March 12, 1913.

FILED BY E. S. S.

Respectfully,

(Signed) Wm. H. Layne.

4-WJ-2. Acting Chief Land Division.

Nov. 3 1918.

Dear Mr. Johnson:

Receipt is acknowledged of your Secretary's letter of October 31, 1918, transmitting certain correspondence relative "Farm Homes for returning Soldiers", including copies of two letters from the Board of Trustees of the Town of Eden, South Dakota.

The land referred to in the correspondence is described as 60,000 acres Government land in Marshall County, South Dakota, and it is suggested by the Commissioner of the General Land Office, in his letter to you of August 24, 1918, that the lands referred to are believed to be in the former Sisseton Indian reservation which were reserved for school, church and agency purposes, and that the area covers only 34,000 acres.

An examination of the records of this Office show that 32840.25 acres comprising sections 16 and 36 within the former Lake Traverse Reservation in South Dakota, were reserved for common school purposes and made subject to the laws of the state wherein located. These lands were granted to the state for school purposes under the provisions of the Act of March 3, 1891 (26 Stat. 1036-1039), and this Department has no jurisdiction over said lands. In addition to the acreage reserved for school purposes 697 acres was reserved for various religious bodies, and 650.01 acres for administrative purposes in connection with the Sisseton Agency. The total acreage included in the several reservations above enumerated amounts to 34187.26 acres, and of this entire amount only 650 acres remains under the jurisdiction of this Department.

It seems from the foregoing that your correspondents have been misinformed both as to the acreage involved and as to its present status. The papers submitted are returned, and there is also enclosed an extra copy of this letter.

Very truly yours,

(Sgd) E. B. Meritt

Hon. Royal C. Johnson,

House of Representatives. Assistant Commissioner.

11 EPC 6

INITIALING COPY



OFFICE OF INDIAN AFFAIRS
RECEIVED
AUG 29 1918
1587

August 24, 1918.

...ject: Farm Homes for returning soldiers
...ds for soldiers.

Hon. Royal C. Johnson,

House of Representatives.

My Dear Mr. Johnson:

I am in receipt of your letter of August 16, 1918, inclosing a communication addressed by the Board of Trustees of the town of Eden, South Dakota, to Mr. W. L. Martin, Vice President of the "Soo-Line", Minneapolis, Minnesota; also copy of letter addressed by said Board to the U. S. Reclamation Service of this Department.

The said Board calls attention to certain reserved lands in Marshall County, South Dakota, which they state should be irrigated and made available for farm homes for returning soldiers and sailors. They estimate the area available at 60,000 acres.

They believe that the lands referred to are

[illegible] reservation. [illegible]
[illegible] Sioux [illegible] Great Northern [illegible]
[illegible] reservation covers only about 34,000 acres.

[illegible] by the first step to be taken as to securing the necessity for continuing the reservations. The correspondence has therefore been referred by the Commissioner of Indian Affairs to advise you as to the necessity for continuing the reservations.

Very respectfully,

Commissioner.



"Wm. H. Sargent Pres"

"J. W. Diggs"

SARGENT & DIGGS, BANKERS
The Bank of Milbank
MILBANK, DAKOTA.

April 22nd '89

Gen'l John W. Noble,
Sec'y Interior.
Washington D.C.
My Dear Sir;

Will you kindly inform me what is the present status

It lies along the westren line of our county and Roberts north of us, and is a great detriment to our intresets, as it blocks the progress of two or three lines of railroad that we are very anxious to see completed.

We need these roads badly, and the opening of the reservation would give new impetus to immigration which has been attracted by govern - ment lands further west.

Any information that will enable the citizens of this section to render any service that may be needed in hastening the opening will be appreciated.

We also respectfully ask your early attention to the matter if the consummation is left with your department, as I have been informed it is.

If any need should exist for a special agent here, in the opening -, or a commission to be appointed, I trust you will remember

Yours truly.

D. W. Diggs

RESOLUTIONS OF THE CONVENTION

of Eight Counties that Assembled at Watertown, Dakota, May 1st, 1889, to take Action Relative to the Opening of the Sisseton Indian Reservation.

---o-O-o---

"Whereas, The Sisseton Indian Reservation, lying in the midst of a well settled section of country, is a barrier to the completion of railroads in course of construction or progress, and the general welfare of the country, and is not now necessary to the interests of the Indians, they having taken their allotment of land under the Act of Congress, and,

WHEREAS the Indians on this reservation have certain grievances which they urge as a reason for withholding their consent to final action necessary to opening the Reservation to settlement.

RESOLVED: That it is the sense of this convention composed of citizens of all the counties contiguous to the said Reservation that the government of the United States owes a debt of gratitude to all Indians who were loyal and rendered service or befriended the white man in the terrible scenes of the massacre of 1862, and that Chief Gabriel Renville having been conspicuous as a friend of the government and the white man, the government should recognize such loyalty and service in some substantial form.

RESOLVED, That as citizens we will use our influence to secure to Chief Renville and all other Indians who were loyal to the government, who are now members of his band, that justice that has been denied them. Confident that the government will promptly accord to them such compensation as in judgment they are under the law entitled, and will see



that the provisions of treaties heretofore made are scrupulously carried out to the end, that any wrong to them resulting from neglect shall be speedily redressed.

RESOLVED, That we recommend to congress, that all men in this band who acted as scouts under Genl. Sibley be suitably rewarded for their loyalty and valuable services.

RESOLVED, that we urge upon the Secretary of the Interior the importance of immediately adjusting all just claims in order that the Sisseton Reservation may be speedily opened

RESOLVED, That it is the sense of the convention that each of the counties of Day, Grant, Roberts, Traverse, Richland, Sargent, Marshall and Codington be requested through their committeemen to contribute the sum of one hundred dollars ~~for the purpose of defraying the expenses of the several~~ committees appointed by this convention:

D. W. DIGGS,
H. R. PEASE,
A. H. KITTON,
W. J. SPEAR,
SHELBY SMITH,
JAMES ROSS,
THOS. C. ROWER."

I hereby certify the above to be a true copy of the resolutions passed by the Convention held at Watertown for the purpose of securing the early opening of the Sisseton Indian Reservation

D W Diggs

Milbank 5/13/89

# The Minneapolis Tribune.

NO. 12 WEDNESDAY MORNING, MAY 22 1889


## A LARGE POW-WOW.

### A Council at Big Brule to Urge the Opening of the Sisseton Reservation.

Chief Gabriel Renville, with His Head Men, and the Watertown Convention Committee in Attendance.

Indians Complain that Their Services to the White Men in 1862 Entitle Them to Better Treatment.

Appeals for Land for Their Children—Specimens of Indian Eloquence—Ladies's Sentiment.

MILBANK, S. D., May 21.—[Special.]—The committee appointed by the convention at Watertown to go to Washington to urge the completion of the arrangements for opening the Sisseton reservation, held a council with Chief Gabriel Renville and nine of his head men at the Big Coulee today. After partaking of a bountiful feast which had been prepared by the committee, the party adjourned to a beautiful grove. The Indians seated themselves on the ground in a semi-circle, with the committee occupying chairs. Gen. Pease called on Rev. Chas. R. Crawford, a half brother of the chief, to invoke the dinner blessing, after which the general stated the object of the council to be to ascertain their views in regard to opening the reservation. As a stenographer to report proceedings, Chief Gabriel Renville was the first to speak, Rev. Mr. Crawford interpreting. The chief said in substance:

I don't feel that I made friends with the white men lately. At the time of the outbreak I was in the employ of the government, and was trying to keep the Indians from going on the warpath. I was trying to keep them from killing the white men. I was trying to keep them from killing the white men. I was trying to keep them from killing the white men

[illegible] ...

There are [illegible] of the government. They also [illegible] from the government. Chief [illegible] and [illegible] month's rations and the same [illegible] seeds for 12 months, a cultivator [illegible] directions [illegible] General also [illegible] thought that all the Indians would [illegible] the final settlement is made allowing [illegible] 160 acres of land. The bill gives the [illegible] to all 21 or over at the date of the [illegible] ages, with 80 acres to those between [illegible] 21, and 40 acres to all under 18. He [illegible] in conclusion, that when the claim is [illegible] they want the money paid in cash and [illegible] in shoe pegs and overalls.

Michel Renville, a grey haired man of 65, next spoke, saying:

You have heard about the mistake of the survey. I will not speak further of that. When you come here and make friends with us we are pleased. The Indian suffers from mistakes. He don't know how to correct them. Now that South Dakota has come in as a state we have some one to go to to do right our wrongs. The Indians have taken their land in severalty. They are waiting for patents. The Indians are anxious to get patents. We are willing the surplus land should be sold. We don't expect to keep reservations. We want to get the benefit of the sale. If the government will pay what they owe, we will be pleased with the opening. There will be left over allotments 850,000 acres. If the government pays what they owe, and pay what they agree per acre, we will be pleased with the opening. When the government asks me to do anything, I am always willing to do it. I hope you will try to get the government to do what is right.

If the government will do this, it will benefit both the Indians and the whites [and illustrates by holding up half a dozen keys in a perpendicular position, separately, and all united this way [indicating, grouping them together] much richer.] we will be as one. When the reservation is opened [illegible] speculators [illegible] to one [illegible]

Simon D. Renville, a grey-haired man of the Presbyterian Church, under the shadow of which the party was sitting, a man of 56, in whose veins a large proportion of white blood flows, and who has a white wife, said:

I think the most important thing in this we own patents. Other things will come afterwards. We want you to push, that too that the old people will get the benefit. Some are old and asked the money from the annuities.

Here Gabriel, the chief, spoke up, saying:

If the government don't settle up there is no use to send a commission here.

Two Star next spoke. He is the orator of the tribe, but a handy prepossessing in appearance of any present. He began:

Other speakers you have heard what they say. I will mention. If you are going to help us, some things they have no opinion of. After [illegible] new passed man come to make allotments. The babies get no land. It is not right. Sixteen or seventeen year old they get 40 acres. Not right. When babies grow up they have nothing. It do not right. You speak friendly to us. We are friends to you. We lost two years. Don't get any crops. We are suffering, no telling about this season. We may all starve if Cook don't take in wood. (Cook is the Elliot steamboat who buys their wood, which is their most reliable source of revenue.) We have heard good words. My heart is happy. We are friends to you. We above it in time of massacre.

Michael Renville said:

I forgot to say when I was sent to see the great father at Washington, the whites said [illegible] any if I went last long. [illegible] well of white men. He say if you get money work—spoil peoples. If we get the money we will open up. Your committee needn't be discouraged, we will open up.

Maj. Amos—"All the points have been mentioned. We depend on you to help us all you can." Chief Gabriel Renville again interposed with the question to the committee: "[illegible]

"If you can't get what we want and the government don't give back what they owe, then what. The money we ask for we worked for by protecting the frontier at the massacre of 1862. We didn't run off, but guarded 265 prisoners with Gen. Sibley. We are tired of asking [illegible] this money is not paid to [illegible] and have to pay taxes, what will we pay taxes with? You will take our ponies. We are [illegible] with? You will take our ponies. We have [illegible] to become citizens and vote. We have [illegible] said before you all we have to say from our [illegible] hearts. We believe what you say. We hope



M. Sargent, Pres't. D. F. Diggs, Cash'r.

THE BANK OF MILBANK.

Sargent & Diggs, Bankers.

Milbank, South Dak. 5/13 1889

John W. Noble Sec'y

My Dear Genl

I presume you are annoyed by my frequent communications, but the matter of opening the Sisseton Reservation is one of sufficient importance to all our people to warrant the utmost effort to secure it.

Hoping to hear from you soon.

Yours truly
D F Diggs

Department of the Interior.

OFFICE OF INDIAN AFFAIRS.

Washington, June 25 1888.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to acknowledge the receipt, by Department reference, of a communication from D. W. Diggs, of Milbank, South Dakota, dated May 4,1888, in which he states that a convention of delegates from all the counties contiguous to the Sisseton Reservation, was recently held at Watertown, to consult as to the steps necessary to secure the early opening of said reservation to settlement.

He states that the reservation has for years been a barrier to the extension of much needed railroads, and asks if there is any thing that can be done to facilitate its opening.

The Sisseton Reservation, created by the treaty of February 19, 1867, (15 Stats.,505), contains 919,720 acres of which some 197,227 acres have been allotted in severalty, and 1,417 acres reserved for church and other purposes, leaving a surplus of some 720,478 acres.

In his report dated December 20,1887, submitting schedules of allotments made on this reservation, Special Agent Lightner expressed the opinion that the Indians were then prepared to dispose of a part of these surplus lands, and that it would be advisable to negotiate with them, be-





because many of them were needy and should have houses built, &c.

The 5th section of the Act of February 8,1887 (24 Stats.,388), provides "That at any time after lands have been allotted to all of the Indians of any tribe, as herein provided, or sooner, if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by said tribe, in conformity with the treaty or statute under which such reservation is held, of such portion of its reservation not allotted as such tribe shall, from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress, and the form and manner of executing such release shall also be prescribed by Congress."

The treaty of 1867 contains no provisions applicable to such negotiations.

The allotments on this reservation have virtually been completed, although it is possible that there may be a very few persons still entitled to allotments, who were not found by Special Agent Lightner.

It would, I believe, be for the best interests of the Indians to throw open to settlement a large portion of their surplus lands on such just and equitable terms as may be agreed upon by them.

There is no appropriation available for the payment of a Commission to negotiate for the purchase of the surplus lands.

Such negotiations can proceed no further than securing the consent of the Indians to the sale of such portion of the reservation as may be agreed upon, and determining the considerations for which they are willing to make the cession, these negotiations to be submitted for the approval of Congress, which alone can prescribe the form and manner of executing the necessary release.

Such preliminary negotiations might be held with the Sisseton Indians during the present season, (after the delivery of their patents now in preparation) to be conducted by an officer or officers now in the service, specially designated thereto, if it shall be considered by the Department wise to take such proceedings.

An Inspector of the Indian service and a Special Indian Agent, acting with the resident Agent for the Sisseton Agency, might be constituted a Commission for the purpose, or, omitting the resident Agent, and substituting in his stead, a Special Agent of the General Land Office or an Officer of the Army stationed in the vicinity, to serve as one member of the Commission, if advisable.

Very respectfully,

Your obedient servant,

R. V. Belt

Acting Commissioner.

Allen.



Ser. & Land.

Department of the Interior.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 18, 1888.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, for your approval, draught of instructions for the guidance of a Commission (to be appointed) to negotiate with the Sisseton and Wahpeton Indians for the sale of their surplus lands under the provisions of the Act of February 8, 1887, (24 Stats., 388).

Very respectfully,

Your obedient servant,

J. J. Atkinson

Commissioner.

(Allen)

Department of the Interior

OFFICE OF INDIAN AFFAIRS

WASHINGTON August 13,1892.

Gentlemen:

Upon receipt hereof,you will proceed to the Sisseton Agency,Dakota,for the purpose of negotiating with the Sisseton and Wahpeton Indians for the relinquishment of such portions of the Lake Traverse Reservation,not allotted,as said Indians may consent to release.

Such negotiations are authorized by the 5th Section of the Act of February 7,1887,which provides: " That at any time after lands have been allotted to all the Indians of any tribe as herein provided,or sooner if in the opinion of the President it shall be for the best interests of said tribe,it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by said tribe,in conformity with the treaty or statute under which such reservation is held,of such portions of its reservation not allotted as such tribe shall,from time to time,consent to sell,on such terms and conditions as shall be considered just and equitable,between the United States and said tribe,which purchase shall not be complete until ratified by Congress,and the form and manner of executing such release shall also be prescribed by Congress".

The Lake Traverse Reservation was created by the 2nd Article of the treaty between the United States and the Sisseton and Wahpeton bands of Dakota Sioux Indians,concluded February 19,1867. (15 Stats.,506).



It contains 918,784 acres,of which some 137,887 acres have been allotted in severalty,and 1,417 acres reserved for church and other purposes,leaving a surplus of some 762,478 acres.

The allotments have virtually been completed,although it is possible that some few individuals who were not on the reservation when the allotments were made in 1887,are entitled to allotments.

The treaty makes no provision regarding the cession or relinquishment of the reservation or any portion thereof.

It is understood that the Indians desire to sell a portion at least,of their surplus lands.

You will call a full council of the bands and submit the subject for their consideration. If a majority of such council determine to sell any portion of the reservation,you will then agree upon the quantity of land to be sold,and its location,which should be described by sections,or other legal subdivisions of townships.

It is not considered advisable that the cession at this time should embrace all these surplus lands. A sufficient quantity should be reserved for future contingencies.

The terms and conditions of the sale should then be agreed upon,which should be just and equitable to the Indians,as well as to the United States.

You will explain to the Indians that under the Act of February 8,1887,the sums agreed to be paid as purchase money,will be held

in the Treasury of the United States for their sole use,the same with interest thereon at 5 per cent per annum,to be at all times subject to appropriation by Congress for the education and civilization of said Indians.

The terms and conditions agreed upon in Council,with the description of the lands to be relinquished,should be reduced to writing and incorporated in the accompanying form of agreement, which should be signed by at least a majority of the male adults of the bands.

All such adults should be given an opportunity to sign.

When freely and properly signed,your certificates and the certificate of the Official Interpreter,should be attached to the instrument.

The proceedings of the Council should be reduced to writing and attested by your signatures and that of the Official Interpreter.

The Indians should be informed that the negotiations will not be valid or binding until ratified by Congress.

Very respectfully,

Commissioner.

Allen)

Approved:

Secretary.



# Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Nov. 12, 1888.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to your communication,dated September 5,1888,designating

R.V.Belt,Assistant Commissioner of Indian Affairs.

A.M.Winker,U.S.Indian Inspector,

C.H.Parker,Special Indian Agent,

for the duty of conducting negotiations with the Sisseton and Wahpeton Indians,for the sale of their surplus lands,and to your letter of September 27,1888,revoking the designation of Hon.R.V.Belt, I have the honor to recommend that Hon.A.Whittlesey,Secretary of the Board of Indian Commissioners,be designated in place of Mr. Belt,and Charles A.Maxwell,Esq.,Chief of the Land Division of this office,in place of Special Agent Parker,who is now engaged in important duty at a place remote from the Sisseton reservation.

The expenses of Mr.Whittlesey can be paid from the funds appropriated for the expenses of the Board of Indian Commissioners.

The appointment of Mr.Maxwell is recommended because it is deemed important that one of the officers should be thoroughly

familiar with the history of these Indians, their reservation and their relations to the Government, by which their work will be greatly aided and expedited.

In the event of his designation authority is requested for the payment of his actual and necessary travelling and other incidental expenses, including subsistence, from 'Contingencies Indian Department, 1880', a balance of which is available for that purpose.

It is regarded as important that the proposed negotiations should be commenced as soon as possible.

Very respectfully,

Your obedient servant,

T. J. Morgan

Commissioner.

(Allen)



## A GRAMMATICAL ANALYSIS OF A PORTION OF SECTION 30 OF THE ACT OF CONGRESS OF MARCH 3, 1891

**Seven** members of the English Department at The University of South Dakota responded to the request by the Attorney General of the State of South Dakota to interpret the grammatical construction and meaning of a portion of Section 30 of the Act of Congress of March 3, 1891.

The clause in question reads as follows:

1 That the lands by said agreement ceded, sold,
2 relinquished, and conveyed to the United States
3 shall immediately, upon the payment to the
4 parties entitled thereto of their share of the
5 funds made immediately available by this act,
6 and upon completion of the allotments as pro-
7 vided in said agreement, be subject only to entry
8 and settlement under the homestead and townsite
9 laws of the United States, excepting the six-
10 teenth and thirty-sixth sections of said lands,
11 which shall be reserved for common school pur-
12 poses, and be subject to the laws of the State
13 wherein located:

The structure of this clause leads to an apparent ambiguity: whether the final phrase, "and be subject to the laws of the State wherein located," is controlled by the first "shall" (line 3) or by the second "shall" (line 11). If the phrase is controlled by the first "shall," then the meaning of the final phrase is, "That the lands (line 1)...shall (line 3)... be subject to the laws of the State wherein located" (lines 12-13). If the second "shall" controls, then the meaning is, "...the sixteenth and thirty-sixth sections (lines 9-10)... shall be reserved (line 11)...and be subject to the laws of the State (lines 12-13)...."

It is most difficult to ascertain the intent of a statement as ambiguous as this one through a grammatical analysis. Sentence structure results from the writer's individual eccentricities, educational background, and societal expectations, none of which are known in this case. While grammar has no natural laws, it does have conventions. Those professors who examined the clause were able to deliver opinions, based on those conventions, as to the writer's intent. The majority, but not all, of this group feels that the intent of this clause is, "That the lands...shall...be subject to the laws of the State..."

Following is a compilation of observations and analyses submitted by members of the English Department.

1. Parallel structure.
a. Parallelism in the clause functions best if the first "shall" (line 3) controls both of the "be subject" predicates (lines 7 and 12). If the intention of the writer were to create a parallel with "shall be reserved" (line 11), he may either have found a more convenient way to express "subject to entry and settlement" (lines 7-8) (e.g., "entered and settled"), or have omitted the "be" in the final verb and the final comma (line 12) (i.e., "be reserved for common school purposes and subject to the laws of the State wherein located.")

b. The verb phrase which begins with "shall" in line 3 is not completed until line 7 with "be subject." Assuming that the second "be subject" (line 12) is controlled by the same "shall," there is a parallelism in style in which the completion of the verb is delayed by intervening parenthetical material. On the other hand, the other "shall" verb phrase--"shall be reserved" (line 11)--is not separated, implying that it is a single unit functioning only within a subordinate clause.

c. The use of one auxiliary to control two verbs of essentially different, even contradictory, meanings would be unusual. Hence the "shall" of line 11 is probably not intended to control both "be reserved" (line 11) and "be subject" (line 12).

2. Word Order.
a. Although it may seem natural that modifying elements would be placed in close proximity to the modified material, suggesting that the final phrase logically attaches to the second "shall," such need not be the case. The clause is of the structural type known as periodic, which means that the important parts of a sentence are suspended until the end. As a stylistic device, the periodic structure was common up through the nineteenth century, but is not much used today.

b. The first "shall...be subject" (lines 3, 7) is interrupted by two significant modifying prepositional phrases: "upon the payment..." (line 3), and "upon completion..." (line 6). Another modifying phrase--"excepting the sixteenth and thirty-sixth sections of said lands, which shall be reserved for common school purposes..." (lines 9-12)--is inserted to permit the second "be subject" (line 12) to appear last. If the sentence were to end with a non-restrictive "which" clause (lines 11-13), all the care that the writer took to state the prepositional modifiers of the first "be subject" verb come to nothing.

3. Punctuation.
Commas are used for two purposes in the clause: to separate items in a series and to set off non-restrictive modifiers.





a. The verbals in lines 1-2 create a sequence of more than two, and the commas are used in the obvious and conventional manner. Less obvious is the comma between "act" and "and upon..." in lines 5-6. Normally, a comma is omitted when the series has only two items separated by a conjunction. The presence of a comma at that point argues that the final comma (line 12) also separates two serial items, making the final phrase dependent on the "shall" of line 11. There are two differences, however. One is that the "upon" phrases (line 3-7) are quite long, justifying a pause even though strictly speaking a comma is not required. The final lines are much shorter. The second difference is in the parallelism. The two "upon" phrases are totally parallel and equal. In lines 11-13, had the writer wished to maintain the parallel structure he so carefully uses throughout, he could probably have repeated the words "which shall." These lines do not appear to be items in a series.

b. The use of commas operating in pairs to set off non-restrictive modifiers appears consistent. The commas before the first "upon" (line 3) and after "agreement" (line 7) enclose the parenthetical material separating the auxiliary "shall" from its companion "be subject" (line 7). Likewise, the comma before "excepting" (line 9) and after "purposes" (lines 11-12) set off a statement which qualifies the verb "be subject" (line 7). This final comma (line 12) performs a double duty in that it also sets off the "which" clause, an adjectival subordinate clause modifying "sections" (line 10).

4. Summary.
The foregoing observations and analyses support the conclusion that the writer's intent was to allow the first "shall" to control the final phrase, with the resultant interpretation that all of the lands, not just those sections reserved for school purposes, are to be subject to state law.

The faculty members listed below contributed to the analysis of this passage but do not necessarily concur with all of the details of the statements.

Assoc. Prof. Raphael Block
Assoc. Prof. Stephen Dill
Assoc. Prof. Thomas Gasque
Asst. Prof. Gervase Hittle
Asst. Prof. William Lemons
Asst. Prof. Susan Robbins
Asst. Prof. Adrian Weiss

## APPENDIX

The following diagrammatic arrangement, keeping original punctuation but capitalizing the main elements, summarizes the analysis:

That

THE LANDS

by said agreement

ceded, sold, relinquished, and conveyed } to the United States

SHALL

immediately

, upon { the payment to the parties entitled thereto of their share of the funds made immediately available by this act } , and upon { completion of the allotments as provided in said agreement } ,

BE SUBJECT

only

TO { ENTRY and SETTLEMENT } under the homestead and townsite laws of the United States

, excepting { the sixteenth and thirty-sixth sections of said lands } , which { shall be reserved for common school purposes } ,

and

BE SUBJECT

TO THE LAWS of the State wherein located:



DEPARTMENT OF THE INTERIOR,

WASHINGTON, March 10, 1900.

COPY.

Hon. John M. Thurston, Chairman,

Committee on Indian Affairs,

United States Senate.

Sir:-

I have the honor to be in receipt, by your reference of the 9th ultimo, of S.2021, "A Bill for the restoration of annuities to the Sisseton and Wahpeton bands of Dakota or Sioux Indians, and the Medawakanton and Wapakoota (Santee) Indians, declared forfeited by the act of February 16th, 1863,"

This bill is intended to restore to the bands of Indians named, certain treaty annuities which were declared forfeited by the act referred to, because of their participation in the Indian rebellion in Minnesota in 1862.

The annuities thus forfeited by the Medawakanton and Wahpakoota (Santee) bands, amounted to $3,052,792.83, arising under treaties of 1837 and 1851, and by the Sisseton and Wahpeton bands to $2,721,432.36, arising under a treaty made in 1851,

On January 15, 1898, the Department submitted to the Congress full and complete statements of all financial transactions with these four bands of Indians, under the treaties and act of Congress referred to, and under all subsequent treaties or agreements made with them, and acts of Congress passed in their behalf. These statements or reports were called for by the act of Congress approved June 7, 1897, (30Statutes, 89), and are known as Senate Documents

numbers 67 and 68, 55th Congress, 2nd Session, the one first mentioned covering the affairs of the Medawakanton and Wahpakoota (Santee) bands, and the last one relating to those of the Sisseton and Wahpeton bands.

From the ducument numbered 67, it appears that $5,622,873.26 were expended for the Medawakanton and Wahpakoota (Santee) bands, up to January 1, 1898, under treaties with them and acts of Congress in their behalf, being an excess of $1,077,814.55 over all treaty or legal obligations or requirements, including their care and support under the treaties or agreements made with the Sioux of different tribes, "including Santee Sioux of Nebraska," in 1868, 1877 and 1889, in which the Santees participate, and an excess of $2,570,080.43 over the amount of the forfeited annuities.

About $180,000 have also been expended for their care and support since the statement referred to was made up.

The document numbered 68 shows that $7,146,629.80 were paid to and expended for the Sisseton and Wahpeton bands in the same period, under all treaties with them or acts of Congress for their benefit, being an excess of $1,034,971.92, over all treaty or legal obligation or requirements, including the value of lands ceded by the treaties or agreement of 1867, 1872 and 1889, and an excess of $4,425,197.44 over the value or amount of forfeited annuities.

Two instalments of $18,400 each, arising under the agreement of 1889, have also been provided by Congress for the Sisseton and Wahpetons since January , 1896, and paid to or expended for





them under the provisions of the agreement of that year.

By articles 10 and 17 of the treaty of 1868, with the Sioux of different tribes, (15 Statutes,635,) the Medawakantons and Wapakootas (Santee) bands, seem to have been fully compensated for any and all previous treaty obligations and estopped or barred from any claim on thccount thereof, the following provision being found in article 17:

"It is hereby expressly understood and agreed by and between the parties to this treaty that the execution of the treaty and its ratification by the UNITED STATES SENATE, shall have the effect of and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agreements obligate the United States to furnish and provide money, clothing or other articles of property to such Indians or bands of Indians as become parties to this treaty, but no further."

I am of the opinion that there is nothing due to these Indians.

I also transmit for your information a copy of a letter from the Commissioner of Indian Affairs on the subject, dated the 7th instant.

This letter will also apply to S. 1766, referred for report by your letter of the 9th ultimo.

Very respectfully,

E. A. HITCHCOCK,

Secretary.

1572, Ind. Div. 1900.
1595, " " "
1 incls.

August 23, 1974

I have been asked to construe the language contained in that portion of §30 of the Act of Congress of March 3, 1891, which reads as follows:

> That the lands by said agreement ceded, sold, relinquished, and conveyed to the United States shall immediately, upon the payment to the parties entitled thereto of their share of the funds made immediately available by this act, and upon completion of the allotments as provided in said agreement, be subject only to entry and settlement under the homestead and townsite laws of the United States, excepting the sixteenth and thirty-sixth sections of said lands, which shall be reserved for common school purposes, and be subject to the laws of the State wherein located.

At first glance it might appear that the "last antecedent" rule would confine the following language to wit " and be subject to the laws of the State wherein located" contained in lines 12 & 13 of the above clause to the sixteenth and thirty-sixth sections of lands referred to in lines 9 and 10. This rule provides--that a qualifying phrase or clause applies only to the last of several proceeding subjects unless the context indicates otherwise. However, like all of the cannons of construction, the last antecedent rule is not an inflexible legal principle. It is never allowed to thwart the manifest intention of the framers of the document being construed. The presence of the comma following the word purposes contained in lines 11 and 12 of said clause, is in my opinion, significant. Such comma would have been unnecessary and certainly improper if the framers of the questioned language had intended to confine the phrase "and be subject to the laws of the State wherein located" to the lands referred to in lines 9 and 10. The fact that the framers saw fit to utilize the comma after the word purposes in line 12 clearly indicates that they purposely separated the said phrase from the subject immediately preceeding it--namely, the lands referred to in lines 9 and 10 of said clause in order to make said phrase applicable to the lands referred to in lines 1 and 2 as well as those referred to in lines 9 and 10 of the above clause.

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Regarding the obvious intent of the framers, I think it should be particularly noted that the lands referred to in lines 1 and 2 of the above clause were, by the framers thereof, specifically made subject to entry and settlement under the homestead and townsite laws of the United States. In 1891 great effort was being made to encourage settlement of the lands in the Dakotas and elsewhere so as to provide stability for governments of the newly formed states. In view of this, it is contrary to both logic and human intelligence to seriously contend that the framers intended that only the lands referred to in said lines 9 and 10 of the above clause would be subject to the laws of the State in which they were located.

For the reasons mentioned above, it is my opinion, that the proper construction of the above clause demands that all of the lands referred to in said clause be held subject to the laws of the State wherein located.

Respectfully submitted,

Marion R. Smyser

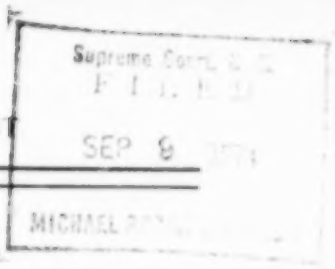
Marion R. Smyser
Professor of Law
School of Law
University of South Dakota
Vermillion, SD 57069

MRS/dh

# appendix

II

APPENDIX FOR RESPONDENT




IN THE

# Supreme Court of the United States

OCTOBER TERM, 1974

No. 73-1148

In the matter of the APPLICATION OF CHERYL SPIDER DECOTEAU, natural mother and next friend, and on behalf of ROBERT LEE FEATHER and HERBERT JOHN SPIDER for a WRIT of HABEAS CORPUS,

*Petitioner,*

v.

THE DISTRICT COUNTY COURT FOR THE TENTH JUDICIAL DISTRICT,

*Respondent.*

*ON WRIT OF CERTIORARI TO THE SUPREME COURT OF SOUTH DAKOTA*

KERMIT A. SANDE
Attorney General
State of South Dakota
Suite A 304
Capitol Annex
Pierre, South Dakota 57501

WALTER W. ANDRE
Assistant Attorney General
State Capitol Building
Pierre, South Dakota 57501

TOM D. TOBIN
Special Assistant Attorney General
422 Main Street
Winner, South Dakota 57580

*Attorneys for Respondent*

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## IA. REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS, H. EXEC. DOC. 48TH CONG., 2D SESS. (1884).

*Crows.*– Since my last report was made, the Crow Indians, whose reservation in Montana is estimated to contain 4,713,000 acres, have been removed from their old location in the western part of the reservation to the valleys of the Big Horn and the Little Big Horn Rivers. At 5.

Not only has this been done, but it has thus been made possible to add to the public domain at least 3,000,000 acres of this reservation, leaving still all the land necessary for the use and occupancy of this tribe of Indians. If this 3,000,000 acres are so disposed of as to give the Crows some benefit of the proceeds thereof, they will no longer require any aid from the Government, and thus one fraction of the Indian problem will have been solved, and an example and incentive given to other tribes of Indians to do likewise. At 5-6.

Patents have been issued as follows: 78 to the Chippewas of Lake Superior and the Mississippi, on the Lac Court Oreille Reservation, under the provisions of the third article of the treaty of September 30, 1854 (10 Stat. 1110); and 6 to the Sisseton and Wahpeton bands of Sioux, under the fifth article of the treaty of February 19, 1867 (15 Stat. 505); at 9.

It having been represented to the Department that the Sisseton and Wahpeton and the Yankton bands of Sioux were desirous of disposing of a limited portion of their respective reservations, the Sioux Commission were

instructed, under date of May 10 last, to visit said reservations and ascertain if such was the case, and if so to negotiate with them as to the quantity they would cede, the conditions as to the price, &c. No report has been received from them up to this date, but the agent for the Sisseton and Wahpeton bands reports that his Indians are unwilling to part with any of their lands, and that the visit of the Commission was unsuccessful. At 30-31.

The commission appointed to appraise the Omaha Reservation lands in Nebraska west of the Sioux City and Nebraska Railroad under the act of August 7, 1882 (Stat. 22, p. 341), submitted their report and schedule of appraisement under date of October 11, 1883. The appraisement was approved by the Department November 20, 1883, and the General Land Office directed to take steps for the disposal of the lands under the law. By public proclamation, dated March 19, 1884, the lands were thrown open to settlement from and after April 30, 1884, at 12 o'clock, noon. At 39.

IB. REPORT OF THE SECRETARY OF THE INTERIOR, H. EXEC. DOC. 48TH CONG., 2D SESS. (1884).

If the reservation is larger than is required for the use of the Indians occupying it, there should be a reduction thereof, and all that is not needed for the use of the Indians should be opened to settlement. The time has passed when large and valuable tracts of land fit for agriculture can be held by Indians for either hunting or grazing lands to the exclusion of actual settlers. At XI.

In my last report I called attention to the magnitude of this reservation, and urged that it should be reduced by



a purchase of about 18,000 square miles, as proposed by the commission appointed in 1882. At XIII.

. . .This reservation is much larger than required for their support. The reservation is situated in the Territory of Montana, and contains 7,364 square miles, or 4,713,000 acres of land. At least 3,000,000 acres might be disposed of, leaving the Indians sufficient agricultural lands to become self-supporting if they desire to become agriculturists, and a sufficient amount of grazing lands should they prefer to become stock raisers. The 1,713,000 acres that would be left would give nearly, if not quite, 600 acres of land to each individual member of their tribes. At XIII.

2A. REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS, H. EXEC. DOC. 49th CONG., 1ST SESS. (1885)

This brings me directly to the consideration of the practical policy which I believe should be adopted by Congress and the Government in the management of the Indians. It should be industriously and gravely impressed upon them that they must abandon their tribal relations and take lands in severalty, as the corner-stone of their complete success in agriculture, which means self-support, personal independence, and material thrift. The Government should, however, in order to protect them, retain the right to their lands in trust for twenty-five years or longer, but issue trust patents at once to such Indians as have taken individual holdings. When the Indians have taken their lands in severalty in sufficient quantities (and the number of acres in each holding may and should vary in different localities according to fertility, productiveness,

climatic, and other advantages), then having due regard to the immediate and early future needs of the Indians, the remaining lands of their reservations should be purchased by the Government and opened to homestead entry at 50 or 75 cents per acre. The money paid by the Government for their lands should be held in trust in 5 per cent. bonds, to be invested as Congress may provide, for the education, civilization, and material development and advancement of the red race, reserving for each tribe its own money. This is all the Indians need to place them beyond the oppression and greed of white men who seek, as Mr. Barbour said in 1825 in his report as Secretary of War, "to bereave the Indians of their lands." At 4.

Assuming, however, that I have correctly divined the almost unanimous wish of the States mentioned, and that Congress would feel disposed to respect their wishes, then the further question of purchasing from the Indians all of the lands of the Indian Territory, and of other Indian reservations, which the Indians do not need now, or will not need in the early future, and of opening them to homestead settlement, presents itself for consideration. After allotting to each head of a family and to each child whatever quantity of land Congress, in its wisdom and humane guardianship of this helpless race, shall consider and determine as just and necessary, the purchase of the balance of their lands at a fair price would seem to be wise and expedient, as the proceeds of the sale would subserve a far more valuable end in contributing to their education and material advancement in agriculture and the mechanical arts (as before suggested in this report) than would be subserved by permitting the lands to remain permanently in idle and unproductive waste. At 11-12.



During the year three certificates of allotments have been issued to the Indians. . .; twenty-eight to the Sisseton and Wahpeton Indians on Lake Traverse, under the treaty of February 19, 1867 (15 Stat., 505), at 15.

## THE KLAMATH RIVER INDIANS IN CALIFORNIA.

They do not need all the lands at present reserved for their use, but they should be permanently settled, either individually or in small communities, and their lands secured to them by patent before any portion of their reservation is restored to the public domain. At 48-49.

## ROUND VALLEY RESERVATION IN CALIFORNIA.

This reservation was first selected for Indian purposes in 1856, and according to the survey made in 1860, comprised 25,030.8 acres (being the entire Round Valley), of fertile and productive land. Under the act of March 3, 1873 (17 Stat., 633), the boundaries of the reservation were changed, and the southern portion of the valley thrown open to settlement, leaving between 5,000 and 6,000 acres of it within the reservation. At 49.

The reduction of their reservation to two townships has caused some dissatisfaction, and they have asked for more land; . .If they have suffered any wrong, as is claimed, on account of the restoration to the public domain of the Turtle Mountain country, by which is meant that vast territory lying north of Devil's Lake and west of the Red River of the North, the remedy is with Congress. At 53.

The Winnebago Reservation adjoins the Omaha

Reservation on the north. It has an area of 170 square miles, or 108,924 acres. The Winnebagoes have frequently expressed a desire to sell a portion of their reservation, and seeing the good effect of the allotment system upon their neighbors, the Omahas, those who have not already taken allotments have been anxious to do so. The sale of a part of their reservation would, they believe, furnish them the means to procure farming implements and other things necessary to a good start upon their individual allotments.

As in the case of the Omahas, the unallotted lands remaining within the diminished reserve could be patented to the tribe in common. At 63.

## REDUCTION OF SANTEE SIOUX RESERVATION IN NEBRASKA.

Under date of February 9, 1885, an Executive order was issued restoring to the public domain, from and after April 15, 1885, all the lands within the Niograra or Santee Sioux Reservation remaining at that date unalloted to and unselected by the Indians of that reservation, under act of March 3, 1863 (12 Stat., 819), and the Sioux treaty of April 29, 1868 (15 Stat., 635), respectively, said restored lands to be subject to settlement and entry on and after May 15, 1885.

The assignment of lands to the members of the Santee Sioux tribe, under the act of March 3, 1863, was approved by the President, May 11, 1885, and 485 certificates have been issued therefor. One hundred and sixty acres were reserved for each head of a family or male adult over eighteen years of age desiring a homestead under the provisions of the treaty. The quantity of land assigned under act of March 3, 1863, was 38,908.81 acres;



that selected for homesteads was 32,875.75 acres; and that reserved for agency, school, and missionary purposes 1,130.70 acres. Total reserved, 72,915.36 acres. The quantity of land restored to the public domain under operation of the Executive order of February 9, 1885, was 42,160.56 acres.

The act of March 3, 1885 (23 Stat., 351), authorized the appraisement and sale of the reservations of the Sac and Fox (of the Missouri) and Iowa tribes of Indians, located in the States of Kansas and Nebraska, with the consent of a majority of the chiefs, headmen, and male adults of each tribe, expressed in open council. Councils have been held with the Indians as required by the act. At 64.

## 2B. REPORT OF THE SECRETARY OF THE INTERIOR, VOL. 1 (1885).

Assignments of land in severalty were also made under provisions of act of March 3, 1863 (12 Stat., 819), to the Sioux Indians residing upon the Santee Reservation in Nebraska. A portion of those Indians, however, elected to take homestead selections under provisions of the fourth clause of the sixth article of the treaty with the Sioux Indians, of April 29, 1868 (15 Stat., 637).

The whole quantity of land assigned to and selected by those Indians under the law and treaty is 71,784 acres. There were reserved for school, agency, and missionary purposes, 1,131 acres. The balance of the reservation 42,161 acres, except the school sections and portion of sections inuring to the State of Nebraska, was restored to the public domain on May 15, 1885, under the operation

of an Executive order of February 9, 1885. At 7.

The act of March 3, 1885 (23 Stat. 340), providing for the allotment of lands in severalty to the Indians on the Umatilla Reservation in Oregon, and for the survey, appraisal, and public sale of the residue of the lands of the said reservation, &c., requires that the consent in writing of the male adult Indians shall be obtained before the act shall be executed in any part. At 10.

The question as to what is the best and wisest course to pursue relative to these surplus lands in the Indian reservations not required for the present wants of the Indians is one demanding careful and serious consideration. Shall they be left unemployed and unprofitable; or shall they be utilized and made, in a measure at least, to produce some revenue towards the support of the Indians?

If it shall be determined that for the present it is for the interest of the Indians that the reservations shall be held intact, that the land should be utilized for grazing purposes, and that white men, with their herds of cattle, shall be permitted to occupy large tracts of these reservations, a law should be enacted for that purpose, clear and comprehensive, fully defining the powers and duties of this Department in the matter.

If the cattlemen are to be permitted to go upon these reservations, and to hold and pasture their herds thereon, the business should be done under proper regulations and in such manner as to secure a fair and just compensation for the privilege. The money paid therefor should be handled by the officers of the Government, and used for



the support of the Indians and their advancement in civilization. With my convictions I cannot recommend such legislation. It is in direct contravention of the policy of keeping the Indian reservations free from the settlements of white men—a policy which, in my opinion, should be more rigidly enforced. If, however, it shall be decided that the welfare of the Indians as well as the public interests will best be served by opening the surplus lands of these reservations to public settlement, it should be done in good faith under the general land laws of the United States. At 19.

## ESTATE OF THE INDIANS.

The principal possession of these "domestic dependent nations," with which this Department has to deal, is the land owned by them. But a number of the tribes have funds invested and other moneys belonging to them, and have also annuities secured to them by treaty stipulations. Estimating the total area of their reservations as given at $1 per acre, the value of the estate owned, held, and occupied by the Indians is, in round numbers, $134,000,000. And to this should be added other invested and uninvested funds amounting to seventeen millions, and other lands, on the market, but not yet sold or paid for, making a total of $152,000,000 in round numbers. This does not include the annuities, which, on account of the uncertainty and indefiniteness of some of them, cannot be accurately calculated beyond each year; nor does it embrace the value of other property in ponies, sheep, cattle, industrial implements, &c. At 24.

I recommend that a portion of every reservation be divided up into separate tracts of suitable size for farms, to

be allotted to each individual as his sole and separate estate...Provision should be made that the Indian accepting a patent for his land shall not thereby forfeit any of this rights as a member of his tribe,nor the protection and benefit which the laws of the United States extend to the Indians generally.

I favor the policy recommended by a predecessor in this office, Secretary Kirkwood, of reducing to proper size the existing reservations, when entirely out of proportion to the number of Indians thereon, with the consent of the Indians, and upon just and fair terms; and second, of placing by patent the titles to these diminished reservations as fully under the protection of the courts as are titles of all others of our people to their lands. The surplus portion cut off should be subject to sale and the proceeds invested for the benefit of the Indians. The execution of it should be cautious and tentative. At 26.

I had scarcely entered upon the duties of this office when I was confronted with grave difficulties and embarrassments, growing out of an order issued by President Arthur on February 27, 1885, restoring to the public domain the greater portion of the lands comprised within the boundaries of the old Winnebago and Crow Creek Reservations. At 30.

By the third article of the treaty of August 11, 1866 (*Ibid.*, 786), the Creeks, for the same purpose, ceded to the United States the west half of their entire domain, which cession passed 3,402,430 acres, at the rate of 30 cents per acre. The two cessions combined aggregated 5,571,410 acres. The Indians have been paid therefor according to agreement. At 32.



He also recommends the compression of Indian reservations and opening the surplus to settlement, and cites the condition of those on the Sisseton Reservation who occupy separate tracts of land and are self-supporting, maintain churches and schools, and live in comfortable houses. At 78.

## 3A. REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS (1886).

A benign policy on the part of the Government toward the Indian race, dictated by a love of humanity, one in which both political parties have fortunately and exceptionally agreed, is a proud national distinction. It speaks well for the great heart of the people which lies back of and behind this Government that they order and command their representatives to foster a policy which alone can save the aborigines from destruction–from being worn away by the attrition of the conflicting elements of Anglo-Saxon civilization. Upon my indiction into office I gave to this line of administration mature reflection, critical research, and extensive consultation, and in my last annual report it was briefly summarized, as follows, and its continuance urged:

...The Government should, however, in order to protect them, retain the right to their lands in trust for twenty-five years or longer, but issue trust patents at once to such Indians as have taken individual holdings. When the Indians have taken their lands in severalty in sufficient quantities (and the number of acres in each holding may and should vary in different localities according to fertility, productiveness, climatic, and other advantages), then having due regard to the immediate and

early future needs of the Indians, the remaining lands of their reservations should be purchased by the Government and opened to homestead entry at 50 or 75 cents per acre. The money paid by the Government for their lands should be held in trust in 5 per cent. bonds, to be invested as Congress may provide, for the education, civilization, and material development and advancement of the red race, reserving for each tribe its own money. At IV.

The practical proposition which it seems to me would be best for these Indians would be to divide their lands in severalty upon the basis I have suggested, or upon some other reasonable basis, and to sell the remainder to actual settlers at a fair and just price. At VIII.

It is alleged that Congress has no power, in view of the treaties with those Indians, to do away with their present form of government and institute in its stead a Territorial government similar to those now existing in the eight organized Territories. . .These Indians have no right to obstruct civilization and commerce and set up an exclusive claim to self-government, establishing a government within a government, and then expect and claim that the United States shall protect them from all harm, while insisting that it shall not be the ultimate judge as to what is best to be done for them in a political point of view. I repeat, to maintain any such view is to acknowledge a foreign sovereignty, with the right of eminent domain, upon American soil—a theory utterly repugnant to the spirit and genius of our laws, and wholly unwarranted by the Constitution of the United States.

Congress and the Executive of the United States are the supreme guardians of these mere wards, and can



administer their affairs as any other guardian can. Of course it must be done in a just and enlightened way. It must be done in a spirit of protection and not of oppression and robbery. Congress can sell their surplus lands and distribute the proceeds equally among the owners for the purposes of civilization and education of their children, and the protection of the infirm, and the establishment of the poor upon homesteads with stock and implements of husbandry. Congress cannot consistently or justly or honestly take their lands from them and give or sell them to others except as above referred to, and for those objects alone. At XI.

During the year 17 certificates of allotments have been issued to the Indians on the Lake Traverse Reservation, under the treaty with the Sisseton and Wahpeton bands of Sioux (15 Stats., 505); At XIX.

The general allotment bill again passed the Senate at the last session, and was favorably reported in the House of Representatives. As there seems to be no substantial opposition to this bill, it is hoped that it will become a law during the coming winter. Its passage will relieve this office of much embarrassment and enable it to make greater progress in the important work of assisting the Indians to become individual owners of the soil by an indefeasible title. At XX.

In December last a bill was introduced in the Senate by Senator Dawes—

To divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reserves, and to secure the relinquishment of the Indian title to the remainder.

This bill passed the Senate February 1, 1886, and was favorably reported by the Committee on Indian Affairs in the House of Representatives. It was never referred to this office for report, but in its main features meets with my approval. The rights of the Indians appear to be carefully guarded, and their consent, asprovided in the treaty of 1868, is necessary before the provisions of the bill can be carried into effect.

The Great Sioux Reservation, including Crow Creek, contains an area of 21,593,128 acres; the area of the separate reservations provided for in the bill is estimated at 12,845,521 acres, a reduction of 8,747,606 acres. This reduced area allows very nearly 500 acres for each Indian. The Indians can never make use of the immense tract of land belonging to them, while the proceeds of the sale of nearly nine million acres would create a fund which, judiciously and honestly managed, would forever supply them with the means of education and self-support.

The Sioux are an intelligent people, and the younger element among them is rapidly becoming reconciled to a civilized and industrious mode of life. Their advancement is retarded by the older chiefs, who are opposed to any progress that will lessen their own importance. They also desire to live in idleness on their annuities, rather than to receive them as aids to industry and self-support. If these Indians can be brought to accept the provisions of the Dawes bill, with an ample allowance of land in severalty to each Indian, with a large fund for educational purposes, and for the purchase of cattle and agricultural implements, I see no reason why they should not rapidly advance and ultimately become as contented and prosperous as the white communities around them. I earnestly hope that this



bill will become a law and that the Indians will cheerfully accept its provisions. At XLIII-XLIV.

## 3B. REPORT OF THE SECRETARY OF THE INTERIOR, VOL. I. (1886).

I wish I could say that the progress in this direction is sufficiently rapid to promise an early accomplishment of the policy of the Government in reference to our Indian population. That policy, as I understand it, is the incorporation of the Indian race into our political and social system as citizens. Before, however, this consummation, which will be the crowning glory of our Government, can be attained, there must be some radical changes in our Indian policy. The present system was, when adopted, admirably adapted to the then existing condition of the Indians, and is yet, so far as is required to keep in order and peace and the greatest practicable comfort a large mass of savage and semi-barbarous population, dependent upon the chase and the bounty of the Government for its subsistence. But this condition it is impossible to continue.

As I stated in my last report, the only alternative now presented to the American Indian race is speedy entrance into the pale of American civilization, or absolute extinction. In order to escape the latter and attain the former, three conditions of preparation are indispensable. The first is to get established in this race the idea and habitude of individual property-holding, thorough reliance upon its inviolability and a perfect sense of security in the enjoyment of its benefits. Second, an education of the entire mass of the youth of this race, embracing a thorough knowledge of the use of the English language in

the daily affairs of life, arithmetic, and the mechanical arts among the males, and among the females the domestic arts in use with that sex. Third, a substitution of the universal operation of law among them in the enforcement of justice and the protection of person and property, and the punishment of crimes for the agencies of force and superstition. At 4.

Notwithstanding the failure of this measure to go through the last session of Congress, the work of locating the Indians on lands in severalty has been and is now being pushed with commendable activity by the Commissioner of Indian Affairs. During the year about eight hundred Indians have received title, as prescribed by treaties, to allotments of land for individual occupancy. Quite a number have taken up homesteads on the public domain under the Indian homestead laws. A large number have been located who have not yet been furnished with a title to their selections. At 5.

The Indians have seen the wide ranges of territory occupied or claimed by them gradually but surely narrowed to smaller limits, until their present reservations in many instances are barely sufficient to afford each member of the tribe an ordinary farm. They see that to resist much if any further will leave them without land and homeless. The desire for individual holding of land is growing. Some of the treaties limit the allotments to very small quantities, in some instances to 20 acres. Where the reservations are sufficient to allow them more, the Indians hesitate or decline to accept title to such small quantities. They realize that they must now, if ever, secure what they consider will be a sufficient quantity of land for themselves and their families, and they are, and have been



for some time past, seeking to have the area of the individual allotments in many of such cases increased. This is notably the case with the Nez Perces on the Lapwai Reservation in Idaho, and Willamettes on the Grand Ronde Reservation, in Oregon. There are other instances.

The two mentioned have been repeatedly brought to the attention of Congress for necessary legislation. Many of the Indians, anticipating that their laudable endeavors and wishes would be appreciated and met by Congress, have gone ahead and selected farms of not exceeding 160 acres; but no evidence of title could be given them by the Department for the lands so selected, in view of the restrictive provisions of the treaties on the subject. If the wisdom of Congress does not soon devise some general law which shall regulate the allotment of lands in severalty to all of the Indians, or declines to pass the bill for the commission just referred to, the necessary legislation to meet the urgent demands of the service in special cases should no longer be delayed. At 6.

## NEGOTIATIONS WITH INDIANS

The negotiations authorized by the act approved May 15, 1886, making appropriations for the Indian service, to be made with certain bands or tribes in Minnesota, Northern Dakota, and Montana, concerning their existing treaties and reservations, and with other Indians in Washington and Idaho Territories for their removal to certain designated reservations and cession of certain lands, have been entrusted to a commission appointed during July last, consisting of Hon. John V. Wright, of Tennessee; Bishop Henry B. Whipple, of Minnesota, and C.F. Larrabee, of the Indian Office. At 13.

By Executive order of May 1, 1886, the land embraced within the Columbia Reservation in Washington Territory, except the tracts occupied by and allotted to the Indians thereon, was restored to the public domain, subject to the limitations as to disposition thereof imposed by act approved July 4, 1884 (23 Stats., 79), ratifying the agreement made July 7, 1883, with Chief Moses and other Indians. At 14.

## 4A. REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS (1887).

### ALLOTMENT OF LAND IN SEVERALITY.

The general allotment act, the plan of which was first suggested in the annual report of this office for 1878, became a law on the 8th of February last. I have deemed it a matter of public interest and convenient reference to submit in this report not only the full text of the act, which will be found on page 274, but also an abstract of its provisions, which are as follows: after lands have been allotted to all Indians of a tribe (or sooner if the President thinks best), the Secretary of the Interior may negotiate with that tribe for the sale of any of their unallotted lands, such negotiations to be subject to ratificiation by Congress.

In case lands are thus sold, the purchase money to be paid therefor by the United States shall be held in the United States Treasury in trust for that tribe, at 3 per cent. interest, which interest shall be subject to appropriation by Congress for the civilization of said tribe. . .

All lands adapted to agriculture released to the United States by Indian tribes shall be disposed of only to



bona fide settlers, in tracts not exceeding 160 acres (subject to grants which Congress may make in aid of education), and no patents shall issue to any such settler or his heirs for such lands until after five years' continuous occupancy thereof as a homestead, and any conveyance of or lien on said land prior to the issuance of panent thereto shall be null and void. At IV & V.

The President has wisely ordered that allotments be made only on reservations where the Indians are known to be generally favorable to the idea, and the following have thus far been selected: Papago and Pima (Salt river, Arizona; L'Anse and Vieux de Sert, Michigan; Lac Court D'Oreilles, Bad River, Red Cliff, and Lac du Flambeau, Wisconsin; Fon du Lac, Minnesota; Lake Traverse, Devil's Lake, Ponca, and Yankton, Dakota; Nez Perce, Idaho; Crow, Montana; Absentee Shawnee, Pottawatomie, Quapaw, Modoc, Ottawa, Shawnee, Seneca, and Wyandotte, Indian Territory; Winnebago, Nebraska; Siletz, Grande Ronde, and Warm Springs, Oregon; and Muckleshoot, Washington Territory. At VI-VII.

I fail to comprehend the full import of the allotment act if it was not the purpose of the Congress which passed it and of the Executive whose signature made it a law ultimately to dissolve all tribal relations and to place each adult Indian upon the broad platform of American citizenship. Under this act it will be noticed that whenever a tribe of Indians or any member of a tribe accepts lands in severalty the allottee at once, *ipso facto*, becomes a citizen of the United States, endowed with all the civil and political privileges and subject to all the responsibilities and duties of any other citizen of the Republic. This should be a pleasing and encouraging prospect to all Indians who by experience or education have risen to a

plane above that of absolute barbarism. The Indian is not unlike his white brother in moral and intellectual endowments and aspirations. He is proud of his manhood, and when he comes to understand the matter he will cheerfully and proudly accept the responsibilities which belong to civilized manhood. Within a very short time many Indians will be invested with American citizenship, including of course the sacred right of the elective franchise. At VIII-IX.

As events progress, the Indians will gradually cease to be inclosed in reservations; they will mingle with the whites. At XXV.

Brief mention was made in my last annual report of the Commission appointed to negotiate with various tribes and bands of Indians in the State of Minnesota, and the Territories of Dakota, Montana, Idaho, and Washington, and the State of Oregon, under the provisions of the act of May 15, 1886 (24 Stat., p. 44), as follows:

To enable the Secretary of the Interior to negotiate with the several tribes and bands of Chippewa Indians in the State of Minnesota for such modification of existing treaties with said Indians and such change of their reservations as may be deemed desirable by said Indians and the Secretary of the Interior, and as to what sum shall be a just and equitable liquidation of all claims which any of said tribes now have upon the Government; and also to enable said Secretary to negotiate with the various bands or tribes of Indians in northern Montana and at Fort Berthold, in Dakota, for a reduction of their respective reservations, or for removal therefrom to other reservations; and also to enable said Secretary to negotiate



with the upper and middle bands of Spokane Indians and Pen d'Oreille Indians, in Washington and Idaho Territories, for their removal to the Colvill, Jocko, or Coeur d'Alene reservations, with the consent of the Indians on said reservations; and also to enable said Secretary to negotiate with said Indians for the cession of their lands to he United States; and also to enable said Secretary to negotiate with the Coeur d'Alene Indians for the cession of their lands outside the limits of the present Coeur d'Alene reservation to the United States, $15,000, or so much thereof as may be necessary, to be immediately available; but no agreement shall take effect till ratified by Congress. At XXVII-XXVIII.

Briefly stated, the first of these agreements provides for the removal and settlement of the several tribes and bands, parties thereto, upon the White Earth reservation, in the western part of the State, the allotment of lands in severalty to them, and the sale of the abandoned reservations (Leech Lake, Cass Lake, Lake Winnibigoshish, and White Oak Point reservations) for the benefit of said Indians. At XXVIII.

The second agreement was with the Red Lake Indians, whose reservation lies north of White Earth and embraces about 3,200,000 acres, a large portion of which is known to be rich in pine timber. By the terms of their agreement, these Indians cede, relinquish, and convey to the United States, in trust, about 2,000,000 acres of valuable land, part timber and part agricultural, with a view to its being sold for their benefit. . . .

The next Indians visited by the Commission were the Arickarees, Gros Ventres, and Mandans, of the Fort

Berthold agency in Dakota, with whom an agreement was concluded January 11, 1887. By the terms of the agreement, the Indians cede about 1,600,000 acres of their reservation for the sum of $800,000, payable in ten yearly installments of $80,000 each; the money to be expended in the civilization and education of the Indians, and in establishing them in comfortable homes as an agricultural people. The agreement also provides for the allotment of lands in severalty to said Indians within the diminished reservation . . . .

The Indians in northern Montana, belonging to the Fort Peck, Fort Belknap, and Blackfeet agencies, were the next visited by the Commission. These Indians occupy a reservation estimated to contain 33,830 square miles, or 21,651,000 acres. The agreement entered into with them provides for the cession to the United States of about 17,500,000 acres, and leaves three separate reservations of sufficient area, it is believed, to meet all their present and prospective wants. . . . At XXIX.

The compensation agreed upon for the cession of their surplus lands is as follows: For the Indians of the Fort Peck agency, $165,000 annually for ten years, and for the Indians of the Fort Belknap and Blackfeet agencies, $115,000 and $150,000, respectively, annually for the same period, the money to be expended in the purchase of cows, bulls, and other stock, goods, clothing, subsistence, agricultural and mechanical implements, etc., and in such other manner as shall best promote their civilization and future well-being. At XXX.

The next duty to engage the attention of the Commission was the required negotiations with the Upper



and Middle bands of Spokane and Pen d'Oreille Indians, in Washington and Idaho Territories, for their removal to the Colville, Jocko, or Coeur d'Alene reservations, and for the cession of their lands to the United States—lands claimed to have been taken from them in times past, without their consent and without compensation—and also with the Coeur d'Alene Indians for the cession of certain lands claimed by them outside the limits of their present reservation.

As the result of the negotiations had with said Indians, the Upper and Middle bands of Spokane Indians agreed to relinquish to the United States any right, title, or claim they now have, or ever had to lands in Idaho and Washington Territories, and to remove to the Coeur d'Alene reservations in the former Territory.

The Pend d'Oreille or Calispel Indians, by the terms of the agreement made with them, relinquish all claims to lands in Washington and Idaho Territories . . . .

The Coeur d'Alene Indians residing upon the Coeur d'Alene reservation relinquish to the United States all right, title, and claim which they now have, or ever had, to lands in Washington, Idaho, and Montana Territories, or elsewhere. . . It is provided in the agreement entered into with them that the Coeur d'Alene reservation shall be forever held as the home of said Indians, and that no part thereof shall ever be sold, opened to white settlement, or otherwise disposed of without their consent. At XXXI-XXXII.

. . .I take it that neither the executive nor legislative department of the Government will be likely to favor a

change in the policy of allotments so wisely conceived and which has been so auspiciously begun.

Even if no statutory result shall immediately follow from the recommendations of the Commission, I feel justified in believing that great good has resulted already from its labors in removing the prejudices of the Indians and inspiring them with greater confidence in the friendly protection of the Government, and in breaking down the barriers of their opposition to the new policy inaugurated, which is to lead them from the long, dark night of savage vassalage to the glorious light of liberty, peace, and civilization. At XXXII.

The Commission– Messrs. Stanton, Willard, and Gordon–appointed to select a diminished reservation for the confederated bands of Cayuse, Walla-Walla, and Umatilla Indians, under the first section of the act of March 3, 1885 (Stat. 23, 341), rendered their final report under date of June 30, 1887. At XXXII.

In selecting the diminished reservation the Commissioners deferred as far as possible to the expressed wish of the Indians that the new or diminished reservation should embrace the lands upon which the three bands were then residing, at the same time endeavoring to lay it out in as compact form as possible. At best a few Indians had to be left outside of the boundary lines. This could not well be avoided because of the general desire on the part of the Indians that the lands on that part of the reservation where the scattered few were located should be sold under the provisions of the act. The area of the diminished reservation is 119,864 acres, which is within a few acres of the limit prescribed in the act, viz, 120,000



acres.

Before the allotments can be made the diminished reservation must be surveyed, or so much thereof as shall be required for allotments, and the surveys approved. These surveys are now in progress, not only within the diminished reservation, but upon the surplus lands to be appraised and sold under section 2 of the act, and a commission has been appointed to make the allotments as well as the appraisement. They will be ordered to this duty as soon as the required surveys shall have been completed and approved. At XXXIII.

In the way of cash payments to Indians there has been disbursed during the past year a little over $592,000. This includes annuity or treaty money, interest on trust funds, proceeds of sales of Indian lands, and the Ute gratuity of $1,216.04. At. XLIV.

## SURPLUS LANDS IN THE INDIAN TERRITORY.

Since the submission of my last report nothing has taken place to change materially the status of the question then discussed as to what shall be done with the surplus lands in the Indian Territory. . . .

Recognizing the great interest felt upon this subject, when I came into office I ventured to offer the following ideas thereon by way of suggestion rather than positive recommendation:

If certain areas of that Territory are not to be held in trust by the United States for the future settlement of friendly Indians, then the policy of removing eastward the

Cheyennes and Arapahoes, the Wichitas and the Kiowas and Comanches, is presented for consideration. If any part of the Indian Territory is to be opened to homestead entry and settlement, it should be the western part, running a line north and south through the Territory, and removing all Indians west of that line to lands lying east of said line. Thus the Indians would be upon lands better adapted to their support, and they would also be adjacent to each other and in a more compact form.

As Congress took no action, but continued to agitate the subject, and as the public discussion of it grew in interest throughout the country, I considered it my duty to refer to the subject again, and did so in my report for 1886, from which I make the following extracts:

The vast surplusage of land in the Indian Territory, much of it, too, not surpassed anywhere for fertility and versatility of production, which can never be utilized by the Indians now within its borders nor by their descendants (for it is not probably that there will be any material increase in numbers of Indian population), must sooner or later be disposed of by Congress some way or other. At LVI.

As the question still remains undecided before Congress and the country, and more than ever increases in interest, I have repeated herewith views indicated in my former reports; and I again offer the recommendation that Congress authorize the Department to appoint a commission which shall visit the tribes now living west of 98°, and ascertain their views on the question of removal to other suitable lands in the Indian Territory east of that meridian. At LVIII.



A portion of the lands set apart to the Pawnees as a reservation, under the act of April 19, 1876 (19 Stats., 28), comprising 53,005.96 acres, was ceded to the United States by the Creeks by the third article of the treaty of June 14, 1866 (14 Stats., 785). Full payment for this land at 30 cents per acre has been made to the Government from the proceeds of the sale of the Pawnee reservation in Nebraska, but a proper title thereto has not been given the Pawnees. Under the provisions of the act of March 3, 1883 (22 Stats., 603), the Cherokee Nation executed a deed conveying that portion of the Pawnee reservation lying within the Cherokee country to the United States in trust for the use and benefit of the Pawnee tribe. These Indians now desire, and I think they should have, title to that portion of their reservation which lies within the ceded Creek country, and I shall take occasion to make a special report on the subject with a view to obtaining the necessary legislation. At LXIV.

In the settlement of the controversy between the States of New York and Massachusetts respecting the title to the western part of the former State, comprising what was known as the Genesee country, the State of New York ceded to the Commonwealth of Massachusetts the right of pre-emption of the soil from the native Indians and all other right, title, and property (the right and title of government, sovereignty, and jurisdiction excepted) which the said State of New York had in and to the described lands. Massachusetts subsequently transferred her title to Robert Morris and others, their successors and grantees being now known as the Ogden Land Company. At LXXV.

In 1871 the outboundaries of this reservation were surveyed, since which time a dispute has existed between

the white settlers and cattlemen in the vicinity and the Indians, the latter claiming that the eastern boundary was located too far west, thus depriving them of a large tract of country given them by treaty, and the former claiming that the eastern boundary included a large tract of country properly belonging to the public domain. At LXXVIII.

4B. REPORT OF THE SECRETARY OF THE INTERIOR, H. EXEC. DOC. 50TH CONG., 1ST SESS. (1887-1888).

And I can only reiterate the conviction expressed in former reports, that the Indian race has reached a crisis in its history. Surrounded on all sides by the forces of civilization; all the reservations closed in and pressed upon by ever-increasing masses of population, made up of impetuous, daring, and aggressive settlers, miners, ranchmen, and traders; with no possibility of removal to other reservations or of escape into mountain fastnesses, the only alternative presented to the Indian race is absolute extinction or a quick entrance into the pale of American civilization. At 25.

The most important measure of legislation ever enacted in this country affecting our Indian affairs is the general allotment law of February 8, 1887. By this law every Indian, of whatever age, may secure title to a farm, enjoy the protection and benefits of the law, both civil and criminal, of the State or Territory in which he may reside, and be subject to the restraints of those laws. It goes still further. Under it the Indian, in accepting the patent for his individual holding of land, takes with it the title to a higher estate, that of a citizen of the United States, entitled to all the privileges and immunities of such citizenship, and yet invested with all the lawful



responsibilities of that position.

The statute is practically a general naturalization law for the American Indian, except that it is provided therein that its provisions shall not extend to the territory occupied by the five civilized tribes and some other advanced communities of Indians. In every other respect the door has been opened through which every individual Indian by proper effort may pass from the savage life to the enjoyment of the fruits and privileges of civilization. The first effect of this law is to clear away the legal obstructions which have heretofore hindered the progress of many of the tribes. At 25-26.

The argument that this legislation or the measures adopted under it should be postponed until the race by gradual process is morally and intellectually adapted to the condition of civilized society is conclusively answered by the fact that a century of effort to so adapt them has produced nothing in that direction which promises any such fitness within a century to come. The exigencies of the age will not await another century or even a quarter of a century of such expenditure of effort and time with such incommensurate results. At 26-27.

Under the direction of the President the Department has begun the work of making allotments to such of the following designated Indians as are found competent, ready, and willing to take lands in severalty, viz: To the Indians of the Sioux tribe occupying the Yankton and Lake Traverse Reservation,, in Dakota Territory, containing, respectively, 1,776 and 1,496 Indians; to the Winnebagos, 1,222 in number, on their reservation in Nebraska; to the Pottawatomies, 306, and to the Absentee

Shawnees, about 775, all on the reservation in the Indian Territory; to the Crows, numbering about 3,000, on their own reservation in Montana Territory; and to the Indians of eighteen different bands, numbering in all 612, occupying the Siletz Reservation in Oregon. At 27.

The authority of the President has also been given for making allotments to the Indians on the following-named reservation: The L'Anse and Vieux de Sert and the Ontonagon Reservations in Michigan; the Bad River, Lac de Flambeau, Lac Court Oreilles, Red Cliff, and Fond du Lac Reservations in Minnesota, all occupied by bands of Chippewa Indians of Lake Superior; the Oneida Reservation in Wisconsin; the Devil's Lake (Sioux) and the Ponca Reservations in Dakota; the Quapaw, Shawnee, Seneca, Wyandotte, Ottawa, and Modoc Reservations in the Indian Territory, all under the supervision of the Quapaw Agency; the Kiowa, Comanche, and Wichita Reservation in Indian Territory; the Jicarilla Apache Reservations in New Mexico; the San Xavier (Papago) and Salt River Reservations in Arizona, under charge of the Pima and Maricopa Agency; the Lapwai Reservation occupied by Nez Perce Indians in Idaho Territory, and the Muckleshoot Reservation in Washington Territory. At 27-28.

## NEGOTIATIONS WITH INDIANS

Agreements were also negotiated by the Commission with the Indians belonging to the Fort Peck, the Fort Belknap, and the Blackfeet Agencies, in Northern Montana, for cession of about 17,500,000 acres of territory, leaving about 4,151,000 acres to be divided into three separate reservations of sufficient area to meet the



wants of the Indians now inhabiting that portion of the large reservation in Northern Montana. The compensation agreed upon for the land proposed to be ceded by this agreement is $4,3000,000. . . .

The Commission also negotiated agreements with the Upper and Middle bands of Spokane and the Pend d'Oreilles Indians, in Washington Territory, with the Coeur d'Alene Indians, the Flathead, Pend d'Oreilles, and Kootenai Indians, occupying the Jocko Reservation in Montana. . . .

As a summary of the labors of the Commission it is estimated that the agreements negotiated provide for cession to the United States by the Indians of nearly 22,000,000 acres of territory, besides the surrender by certain tribes of claims to large areas of territory, the quantities and limits of which are rather indefinite, and undefined. For the lands ceded and the claims covered by the negotiations, the total money obligation involved amounts to about $5,300,000. This includes the claims of Indians growing out of construction of dams and reservoirs at headwaters of the Mississippi River.

The provision of law under which the work of the Commission has been prosecuted designates the Indians with whom the negotiations were to be conducted; and it also provides that "no agreement madeshall take effect until ratified by Congress." Such of them as have not already been laid before Congress will receive early consideration and be presented for submission to that body. At 38-39.

The Commission appointed under the act of March 3, 1885, for the purposes therein required, has made its

report, showing that the Umatilla, Walla Walla, and Cayuse Indians of Oregon have consented to the provisions of the law for diminishing the area of their reservation, taking lands in severalty, and for sale of their surplus lands for their benefit. . . .

They determined and set apart a diminished reservation embracing an area of 119,864 acres, for agricultural, pasture, timber, and school-farm lands for the Indians. At 39.

5A. REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS (1888).

On the Lake Traverse Reservation (Sisseton Agency) in Dakota, all the Indians entitled thereto have received allotments, except some 25, and most of these have selected their tracts and will soon receive their allotments. The schedules of allotments already made were certified to by this office on May 10, 1888. They were transmitted to the Secretary and by him approved, and the Commissioner of the General Land Office was directed to cause patents to issue to the allottees, as provided in the fifth section of the severalty act. There remains on the reservation 788,900 acres of unallotted lands, of which surplus the Indians desire to dispose of some portion, and it would doubtless be greatly to their advantage to do so; but no funds are available to defray the necessary expenses of negotiations with them for this purpose.

The coming on of the winter of 1887-'88 necessitated the discontinuance of allotment work on the Siletz, Yankton, Crow, and Winnebago Reservations, and for want of funds it could not be resumed in the spring. Work



was discontinued on the Absentee Shawnee and Pottawatomie Reservations on the 3d of April last, and for the same reason has not been resumed. At XXXVII.

On the Sisseton Reservation only have allotments been practically completed. . . .

Progress of allotment work elsewhere has been slow, owing to the time required to make surveys preliminary to allotting, and the late date at which the appropriation bill passed.

Considerable opposition to the allotment policy has been developed from two sources. Those who believe in the wisdom of tribal ownership, and in the policy of continuing the Indian in his aboriginal customs, habits, and independence, oppose it because it will eventually dissolve his tribal relations and cause his absorption into the body politic. On the other hand, those who expected that the severalty act would immediately open to public settlement long-coveted Indian lands, oppose it because they have learned that these expectations will not be realized. At XXXVIII.

The authority under which, for the past five or six winters, these Indians have cut and marketed their dead-and-down timber has been granted each year by the Department, on recommendation of this office, said recommendation being based on a decision rendered May 19, 1882, by Hon. H.M. Teller, then Secretary of the Interior, in regard to the right of the Sisseton Agency Indians to market such timber from their reservation in Dakota. The decision was as follows:

Sir: I have your letter of the 18th ultimo, asking that I approve of the application of Agent Crissey, of the Sisseton Agency, to allow the Indians on that reservation to cut dead and fallen timber and to sell the same. The Indians of that agency hold their reservation by virtue of a treaty made with the United States in 1867. It is recited in the treaty that, in consideration of certain cessions made by the Indians to the United States and the faithful conduct of the Indians, the Government set apart the reservation for the use of said Indians as a permanent home. It is not claimed, however, that these Indians hold by other and different title from other Indians who occupy their reservations by treaty stipulations.

The fee to the reservation is in the Government, and the right of the Indians to the occupation thereof is as unquestioned as the right of the Government to the fee. In such occupation they can not be disturbed by the Government, save through its legislative department; and it ought not to be supposed that such occupation will be interfered with without the consent of the Indians, unless, by misconduct on their part, the right to occupy should be lost. At XLIII-XLIV.

*Lake Traverse Reserve, Dakota.* The draught of a bill to ratify an agreement finally concluded with the Sisseton and Wahpeton bands of Sioux on December 8, 1884, granting a right of way for the Chicago, Milwaukee and Saint Paul Railway through their reserve, was again submitted to the Department for transmission to Congress November 29, 1887, and is pending before both houses (S 2218; H.R. 8561). By the terms of the agreement the Indians were to receive from the railroad, for the lands surrendered by them for the right of way, $2,668.24, being



at the rate of $1.75 per acre. In 1880, when the construction of the railroad through the reservation was commenced, a payment of $2,402,13 was made by said company and was placed in the United States Treasury to the official credit of the Commissioner of Indian Affairs. A further sum of $266,11 remains to be paid by the company. This fund draws no interest, and the Commissioner can not apply the same for the benefit of the Sioux, to whom it belongs, until Congress shall have ratified the agreement.

The railroad has long since been constructed and is in active operation on the reservation. It therefore seems to be a reasonable suggestion that ratification of the agreement should be delayed no longer. At li.

The bands of Sioux who are located in the vicinity of and belong to the Rosebud, Pine Ridge, Crow Creek and Lower Brule, Cheyenne River, and Standing Rock Agencies, all located upon what is called the "Great Sioux Reservation in South Dakota," have joint undivided occupancy in that reservation. The Santee Sioux in Nebraska and at Flandreau, Dak., were also parties to the treaty of 1868 by which the Sioux Reserve was set apart, and they too have been considered to have proprietary rights in that reserve.

An act "to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder" was approved April 30, 1888. The main provisions of this act are as follows:

It proposed to set off from the Sioux Reserve five

separate reservations for the Rosebud, Pine Ridge, Lower Brule, Cheyenne River, and Standing Rock Indians, respectively, and to reduce the Crow Creek Reserve (which is separated from the Sioux Reserve by the Missouri River), and to restore the remaining lands of these two reservations to the public domain. By the boundaries proposed the lands restored would amount to over 11,000,000 acres and the lands retained to a little less than 11,000,000 acres.

The Indians were to have lands allotted to them in severalty and to receive patents therefor.

The lands restored to the public domain were to be sold to settlers under the provisions of the homestead acts for 50 cents per acre, but $1.50 was to be paid for lands entered for town-site purposes.

In compensation for the lands ceded by the Indians it was proposed that they should receive:. . .(b.) Any balance that might remain from the proceeds of the sales of ceded lands, after deducting from such proceeds the expense of surveying and selling the lands, the expense of allotting and patenting lands to the Indians, the cost of school buildings, stock, agricultural implements, seed, etc., furnished the Indians, and the $1,000,000 fund.

The act further provided as follows:

This act shall take effect only upon the acceptance thereof and consent thereto by the different bands of the Sioux Nation of Indians, in manner and form prescribed by the twelfth article of the said treaty between the United States and said Indians, concluded April 29, 1868,



which said acceptance and consent shall be made known by proclamation thereof by the President of the United States, upon satisfactory proof presented to him that the same has been obtained in the manner and form required by said twelfth article of said treaty, which proof shall be presented to him within one year from the passage of this act, and upon failure of such proof and proclamation this act becomes of no effect and null and void.

The provision of the Sioux treaty referred to is as follows:

No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same. At lxxiii-lxxiv.

The Indian has indeed begun to change with the changing times. He is commencing to appreciate the fact that he must become civilized—must, as he expresses it, "learn the white man's way"—or perish from the face of the earth. He can not sweep back with a broom the flowing tide. The forests in to which he ran whooping from the door of "William and Mary" have been felled. The game on which he lived has disappeared. The war-path has been obliterated. He is hemmed in on all sides by white population. The railroad refuses to be excluded from his reservation—that hot-bed of barbarism, in which many noxious social and political weeds grow rankly. At lxxxviii.

And the Indian should be taught not only how to work, but also that it is his duty to work; for the degrading

communism of the tribal-reservation system gives to the individual no incentive to labor, but puts a premium upon his idleness and makes it fashionable. Under this system, the laziest man owns as much as the most industrious man, and neither can say of all theacres occupied by the tribe, "This is mine." The Indian must, therefore, be taught how to labor; and, that labor may be made ncessary to his well-being, he must be taken out of the reservation through the door of the general allotment act. . . .

The Government must then, in duty to the public, compel the Indian to come out of his isolation into the civilized way that he does not desire to enter–into citizenship–into assimilation with the masses of the Republic– into the path of national duty; and in passing along that path he will find not only pleasure in personal independence and delight in individual effort in his own interest, but also the consummation of that patriotic enjoyment which is always to be found in the exercise of the high privilege of contributing to the general welfare. At lxxxvix.

5B. REPORT OF THE SECRETARY OF THE INTERIOR (1888). H. EXEC. DOC. 50TH CONG., 2d SESS. (1888-89) Vol. 10.

The policy of the Government, for some time past consistently pursued by the course of legislation and administration, has wholly broken up the tribal system of government among several of the tribes and bands, and with others has weakened it to a stage of disintegration. The obstructive influence of chiefs and head men to civilized methods has been largely diminished by no longer making agreements or conventions with them alone, but



after soliciting the views of all adult males, by determining according to the voice of a majority or a greater number; by no longer issuing rations to the chiefs and heads of bands for distribution by them, but, instead, to heads of families, and, where expedient to so limit it, to the able-bodied adult males for services performed; and by permitting individuals to leave their reservations and take homesteads upon the public domain without prejudice to their rights in tribal annuities, funds, lands or property. At XXIX.

A beginning has already been made upon another line of policy, from which much appears justifiably to be hoped–the complete dispersion of the tribes and bands by the establishment of individuals as landowners, and the investment of them with the dignity, rights, andprivileges of citizenship in the State and nation. At another point I will exhibit what has been accomplished during the past year in the prosecution of this policy. At XXXI.

INDIAN COUNTRY.

The entire extent of territory now in a state of reservation for Indian purposes, including all portions of the Indian Territory, whether in fact occupied or unoccupied by Indians, is 112, 413,440 acres; being equivalent to an average of 456 acres for each Indian, computed on the last reported number of the total population, including those estimated as outside the reservations. Of this area, about $81,020,129 acres are within the scope of the general allotment law of 1887, and afford an average for the population residing upon such lands, amounting to 173,985, of about 465 acres to each. It will be seen that, by the execution of the general

allotment law and breaking up of the reservations, a wide area of the public domain will be opened to settlement. At XXXIV.

The work of allotting lands in severalty to Indians which was begun, under the provisions of the act of February 3, 1887 (24 Stats., 388), on seven reservations, the Yankton and Lake Traverse Reservations in Dakota Territory, the Winnebago Reservation in Nebraska, the Pottawatomie Reservation in the Indian Territory, the Crow Reservation in Montana, the Fond du Lac Reservation in Minnesota, and the Siletz Reservation in Oregon, was suspended early in 1888, because the funds appropriated for employment of the special agents, and for other expenses incident thereto had been exhausted.

On the Lake Traverse Reservation the field work had been completed, allotments were made to each Indian belonging thereon, and the schedules of the allotments were presented to this Department for approval and for instructions for patents to be issued to the allottees. Upon consideration of the subject, it was found that four patents for lands heretofore issued to Indians under the provisions of the treaty of February 19, 1867 (15 Stats., 505), had been placed in the hands of the officers engaged in allotting lands by the patentees, with their indorsements thereon, purporting to relinquish to the United States their title to the lands conveyed thereby. This was done in three of the cases for the reason that the patents did not convey to the holders thereof the lands selected and on which they have resided and made improvements, and in the other case because the patented land was found not to be good farm land, and therefore another allotment was desired of lands more useful and suitable for farming purposes.



Having no authority to accept the surrender of these patents and cancel them, the matter was, on June 7, 1888, presented to Congress for appropriate legislation, and an act was passed covering these particular cases, and also granting general authority in similar cases that may arise in the progress of the allotment of lands under the general law. Under this act the Department has since approved the allotments made upon the Lake Traverse Reservation, and patents will soon issue to the Indians for their allotments. At XXXIX.

The Indians occupying the reservations where the work of allotting lands is in progress are, and have been for some time past, as fully prepared to take this important step for their advancement in civilization as they would, under their existing circumstances, likely be for some years to come. Some other tribes or bands are as well fitted and qualified, and are willing to take allotments, and some of these are represented as impatient to secure them. The delay, in most instances, is cause by the time consumed in making the necessary surveys. The work of allotment should go forward as rapidly as the necessary conditions are met, and in all cases where the circumstances of the Indians are suited to it. At XL.

## THE GREAT SIOUX RESERVATION

By the treaty of 1868 with various bands and tribes of the Sioux nation of Indians—a treaty which, in all the circumstances of its negotiation, as the final composition of bloody disturbances of long continuance urged on the part of the Government by citizens and officers of the Army of the first rank and character, as well as by unusually solemn and particular expressions of

engagement, is pecularily stamped with the obligation of observance by the United States–a reservation of very large extent, then comprehending the most of the Territory of Dakota lying west of the Missouri, was established to be a perpetual home for these people, with specific guaranty on the part of the Government that no white man should be allowed to enter it, to pass through it or across it, without the consent of the Indians first had and obtained; and with the further clause in the twelfth article that–

No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same.

In 1876 an agreement was made by which the Sioux relinquished a portion of this reservation, embracing the Black Hills country and some territory to the northward, and that agreement was ratified by Congress, although it does not appear to have received the consent, by signature, of three-fourths of the Indians as required under the treaty of 1868. The reservation as so reduced, however, contains a little more than 22,000,000 acres, and there is now upon it a population exceeding 23,000 Indian people, who are rationed and governed through five agencies provided by law and located upon the reserved territory.

The act of the present Congress, approved on the 30th of April, 1888, contains elaborate provisions, the general purposes of which are to reduce the reserved area into six separate reservations and cede the remainder,



above 11,000,000 acres, to the Government; to open the ceded portion to homestead settlement, except so far as shall be necessary for the uses of two railroad companies who have made agreements with the Sioux heretofore for rights of way and station-grounds; to collect from homesteaders upon making final proof, for the use of the Indians, fifty cents per acre of the lands homesteaded, to apply the proceeds to the education and civilization of the Indians, and facilitate the allotment of the separate reservations in severalty and their establishment in independence thereon, extensive advancements being, in the mean time, authorized for these purposes; and to so administer their affairs that, in the end, the people of this nation may be reclaimed from barbarism and established in citizenship. At LVI.

As has been said, the price proposed seemed inadmissible. It would require for no more land than is now desired to be ceded the payment of nearly as much money as was paid to France for the entire territory of Louisiana, merely to extinguish the Indian right of occupancy, the fee being, according to our theory, already in the Government. It would, besides, fix a probably minimum, at least, for the several millions of acres which must, at a later period, after allotments in severalty have been perfected and their improved condition thereunder shall warrant it, be further purchased and opened to settlement. At 64.

...The policy of Congress is wisely declared by the act to require the disposition of these lands only to homestead settlers, to be paid for after the full period of five years' residence and improvement, which now entitles homesteaders upon the public domain elsewhere to a

patent without price. At 65.

The other features of the proposed amendments require no further explanation of the reasons for making them than is suggested by their reading, to one who is acquainted with the circumstances.

Attention is invited to the interesting information and full presentment of the various aspects of the problem of opening this reservation in the elaborate report of the Commission, which is appended hereto. It appears satisfactorily that, restricted to the sole means of argument and explanation, their full duty was done in their submission of the act. At LXVI.

## AGREEMENTS NEGOTIATED WITH INDIANS IN THE STATE OF MINNESOTA AND IN DAKOTA, MONTANA, IDAHO, AND WASHINGTON TERRITORIES.

The agreement entered into with the Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians in Montana, for dividing a portion of their reservation into three separate reservations for the use and occupation of the Indians belonging respectively to the Fort Peck Agency, the Fort Belknap Agency, and the Blackfeet Agency, and for relinquishment of the Indian title to the remainder, was ratified by act of Congress approved May 1, 1888. The result of this agreement is the extinquishment of theIndian title to a vast area of country, estimated at about 17,500,000 acres, for a compensation of $4,300,000, to be expended in ten annual installments for the benefit of the Indians, apportioned according to the terms of the agreement to those on the several diminished tracts, reserved for their use, which embrace an



aggregate of about 4,151,000 acres.

These Indians for whom appropriations have heretofore been made for their support, as a gratuity from the Government, will now receive the benefits of such appropriations made as payment of consideration money for the portion of their territory ceded by the agreement. At LXVII.

The agreement negotiated with the Arickaree, Gros Ventre, and Mandan Indians occupying the Fort Berthold Reservation in Dakota was presented to Congress by the President on January 17, 1887 (see Senate Ex. Doc. No. 30, Forty-ninth Congress, second sess), and a bill (S. 1950) ratifying it passed the Senate of the Fiftieth Congress, but has not yet become a law. By the terms of this agreement the Indians cede all that portion of the reservation "lying north of the forty-eighth parallel of north latitude and also all that portion lying west of a north and south line 6 miles west of the most westerly point of the big bend of the Missouri River, south of the forty-eighth parallel of north latitude."

This proposed cession is unsurveyed, but is represented to contain from 1,600,000 to 1,950,000 acres, for which the Indians are to receive the sum of $800,000, payable in ten yearly installments of $80,000 each, to be expended for their civilization and education and in establishing them in comfortable homes as an agricultural people upon the proposed diminished reservation containing 1,000,000 acres, more or less.

*Upper and Middle bands of Spokane Indians.*—The Upper and Middle bands of Spokane Indians cede all their

right, title, and claim to any and all lands lying outside of the Indian reservations in Washington and Idaho Territories, . . . at LXVIII.

*Coeur d'Alene Indians.*– The Coeur d'Alene Indians cede all their right, title, and claim to all lands in the Territories of Washington, Idaho, and Montana and elsewhere, . . .

*Lower Pend d'Oreille or Calispel Indians.*– The Lower Pend d'Oreille or Calispel Indians agree to remove to and settle upon lands within the Jocko Reservation in Montana, and relinquish all their right, title, or claim to all lands in the Territories of Idaho or Washington or elsewhere,. . . at LXIX.

And that this will remain so for many years to come is apparent, when it is considered that in addition to 22,000,000 acres of vacant public land open tosettlement there are 27,000,000 acres of land in Dakota within the reservations of the Indian tribes, which will sooner or later be opened. At CXXII.

## 6A. 58TH ANNUAL REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS TO THE SECRETARY OF THE INTERIOR (1889).

Unexpectedly called to this responsible position, I entered upon the discharge of its duties with a few simple, well-defined, and strongly-cherished convictions:

*First.*– The anomalous position heretofore occupied by the Indians in this country can not much longer be maintained. The reservation system belongs to a "vanishing



state of things" and must soon cease to exist.

*Fourth.*– The Indians must conform to "the white man's ways," peaceably if they will, forcibly if they must. They must adjust themselves to their environment, and conform their mode of living substantially to our civilization. This civilization may not be the best possible, but it is the best the Indians can get. They can not escape it, and must either conform to it or be crushed by it. At 3.

The young Indians should receive a thorough education to fit them for maintaining themselves, and then should be free to seek a home for themselves anywhere they please. There is no more reason for compelling self-reliant Indian boys and girls to return against their will to an Indian reservation than there is of forcibly sending white boys and girls thither. This whole reservation system is an abomination that should cease to exist. At 8.

During the year 1,341 patents have been issued to the Indians of the Lake Traverse Reservation in Dakota, which will be delivered at an early day. The allotment of lands on this reservation having been practically completed, recommendation was made June 21, 1889, that an officer or officers be designated to negotiate for the relinquishment of such portion of the surplus lands as the Indians might be willing to cede, and instructions for the guidance of such commission have been prepared and submitted for your approval. At 16.

An Indian reservation is the common property of the tribe by which it is owned, or for whose use it is assigned. At 17.

## COMMISSIONS AUTHORIZED BY ACTS OF LAST CONGRESS, ETC.

*Chippewa Indians.*—By act of January 14, 1889 (25 Stat., 642), Congress authorized and directed the appointment of three commissioners, one of whom should be a citizen of the State of Minnesota, to negotiate with all the different bands or tribes of Chippewa Indians in the State of Minnesota for a "complete cession and relinquishment in writing of all their title and interest in and to all the reservations of said Indians in the State of Minnesota, except the White Earth and Red Lake Reservations, and to all and so much of these reservations as in the judgment of said Commission is not required to make and fill the allotments required by this and existing acts," etc. At 19.

*Sioux in Dakota.*— By section 29 of an act approved March 2, 1889 (25 Stat., 899), "to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," it is provided—. . .

The President of the United States is hereby authorized and empowered to appoint three commissioners for the purpose of entering into negotiations and agreements with the Sioux Indians occupying the Great Sioux Reservation in Dakota for a full and complete cession and relinquishment to the United States of a portion of their reservation, and to divide the remainder into separate reservations, and such agreements, when made, to be by them submitted to the first session Fifty-first Congress for ratification, and to carry out this



provision the sum of twenty-five thousand dollars, or so much thereof as may be found necessary, to be expended under the direction of the Secretary of the Interior, is hereby appropriated, this amount to be immediately available: *Provided*, That the pay of such commissioners shall not exceed ten dollars per day exclusive of traveling expenses.

Under this latter provision of law, Hon. Charles Foster, of Fostoria, Ohio, Hon. William Warner, of Kansas City, Mo., and Maj. Gen. George Crook, U.S. Army, were appointed by the President a commission to negotiate with the Sioux for the purpose therein provided.

The instructions for this commission were prepared in this Office, and, after they had been approved by the Secretary of the Interior, were transmitted to the said commission, which entered upon its duties in the latter part of May last.

The commissioners have been successful in negotiating an agreement whereby the Indians relinquish their title to a large portion of the great Sioux Reservation, but the report of the result of their labors has not been received in this office.

*Coeur d'Alene Reservation.*—The fourth section of the Indian appropriation act of March 2, 1889 (25 Stat., 1002), provides as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to negotiate with the Coeur d'Alene tribe of Indians for the purhase and release by said tribe of such portions of its reservation not

agricultural, and valuable chiefly for minerals and timber, as such tribe shall consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress, and for the purpose of such negotiation the sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, the action of the Secretary of the Interior hereunder to be reported to Congress at the earliest practicable time. . . .

Councils with the Indians were held in August last and as a result of the negotiations an agreement was concludedon the 9th day of September following, whereby the Indians agreed to sell a considerable portion of their reservation (in the northern part), valuable chiefly for minerals and timber, and embracing by far the greater portion of the navigable waters of the reservation. . . .

*Indian Territory.*—In accordance with the provisions of section 14 of the Indian appropriation act of March 2, 1889 (25 Stat., 1005), Hon. Lucius Fairchild, Hon. J.R. Hartranft, and A.H. Wilson, esq., were appointed by the President a commission to "negotiate with the Cherokee Indians, and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory, for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands."

Upon the receipt of its instructions this commission proceeded to the Indian Territory, and in a letter of



August 2, 1889, to Hon. J.B. Mayes, principal chief Cherokee Nation, submitted the proposition authorized by the act "that the said nation shall cede to the United States, in the manner and with the effect aforesaid, all the rights of said nation" in the lands of that nation lying west of the ninety-sixth degree of longitude in the Indian Territory, and known as the Cherokee Outlet "upon the same terms as to payment as is provided in the agreement made with the Creek Indians, of date January 19, 1889." At 20-22.

Under this authority a commission, composed of Hon. J. M. Smith, of Wisconsin, R.B. Weaver, esq., of Arkansas, and Rev. Thos. S. Childs, of the District of Columbia, was appointed to negotiate with the Southern Utes. As the result of their labors an agreement was concluded on the 13th day of November, 1888, whereby said Indians cede to the United States all their right, title, and interest, in and to the Southern Ute Reservation, in the State of Colorado, and any lands elsewhere owned or claimed by them, and agree to remove to a reservation in the southeast corner of Utah. . .at 76.

For and in consideration of the cession of their reservation in Colorado, and the relinquishment of any claims they may have to lands elsewhere, and their promise to remove to the new reservation provided for them in Utah,. . .at 77.

Under date of March 22, 1889, this office submitted to the Department the recommendation that a United States Indian inspector be sent to the Lemhi Agency, in Idaho, to negotiate with those Indians for the surrender of their reservation, and their consequent removal to the Fort

Hall Reservation, as provided in the act of Congress approved February 23, 1889 (25 Stat., 637). Inspector F.C. Armstrong was sent to conduct the necessary negotiations, and in his report thereon, dated May 2, 1889, he states that after a careful presentation of the matter to the Indian council, not a single vote was cast in favor of the proposed removal.

It is to be regretted that these Indians would not consent to the contemplated action, as it would in the opinion of this office, be greatly to their interest to leave the small and barren reservation at Lemhi and remove to the Fort Hall Reservation, where they could secure good homes and avail themselves of the benefits of the educational and other advantages provided for the Indians at that point. At 78.

## OKLAHOMA, INDIAN TERRITORY.

Since the date of the last annual report, the Secretary of the Interior, by and under the direction of the President, under authority of section three of an act of Congress approved March 3, 1885 (23 Stat., 384), entered into an agreement with the delegates of the Creek Nation on January 19, 1888, for a complete cession and relinquishment by the said Creek Nation to the United States of all their rights, title, and interest in and to the "entire western half of the domain of the said Nation lying west of the division line established by the treaty of 1866," subject to the ratification by the national council of the said Creek Nation and by the Congress of the United States; the consideration being $2,280,857.10. The said agreement was ratified by the Creek council by an act approved January 31, 1889, and by Congress by an act



approved March 1, 1889 (25 Stat., 757).

By section 12 of the Indian appropriation act, approved March 2, 1889 (25 Stat., 1004), the sum of $1,912.02 was appropriated to pay the Seminole Nation of Indians in full for all right, title, interest, and claim which the said nation had in and to certain lands ceded by article 3 of the Seminole treaty of 1866 (14 Stat., 755), upon the condition that the said Indians should make a complete release and conveyance to the United States of all their said right, title, interest, and claim in and to the said lands. . .

The lands thus released and conveyed, with those ceded by the Creeks as above described, form what is known as the "Oklahoma country."

In accordance with the provisions of section 3 of the said Indian appropriation act the President, by a proclamation dated March 23, 1889, declared that the said Oklahoma lands would be, at and after the hour of noon on the twenty-second day of April following, open to settlement under the terms of and subject to all the conditions, limitations, and restrictions contained in the said act and the laws of the United States applicable thereto.

The Oklahoma country having thus become a part of the public domain, and having been opened to public settlement, the jurisdiction of the Indian Office over it has ceased, and it is now under the control of the General Land Office. At 79.

The reservation system is an anachronism which has

no place in our modern civilization. At 95-96.

It is still further significant that the Indians are now showing a disposition to take their lands in severalty, to dispose of the surplus lands for a fair consideration, and to invest a very considerable portion of the proceeds of the sales thereof in education; so that a very large proportion of the cost of Indian education administered by the Government will be borne willingly and cheerfully by the Indians themselves and not by the people of the United States. But even if the people of the United States were to assume the whole burden of Indian education, it would be a burden very easily borne, and would be but a slight compensation to be returned by this vast andrich nation to the original possessors of the soil upon whose lands the nation with its untold wealth now lives. At 110-111.

The second great economical fact is that the lands known as Indian reservations now set apart by the Government for Indian occupancy aggregate nearly 190,000 square miles. This land, for the most part, is uncultivated and unproductive. When the Indians shall have been properly educated they will utilize a sufficient quantity of those lands for their own support and will release the remainder that it may be restored to the public domain to become the foundation for innumerable happy homes; and thus will be added to the national wealth immense tracts of farming land and vast mineral resources which will repay the nation more than one hundred fold for the amount which it is porposed shall be expended in Indian education. At 112.

6B. REPORT OF THE SECRETARY OF THE INTERIOR, H. EXEC. DOC., 51ST CONG., 1ST SESS. VOL. II (1889-90)



Thus the aggregate of these two cessions is 5,439,865.60 acres. By the thirteenth section of this appropriation act, provision was made that the lands so acquired, except the sixteenth and thirty-sixth sections, should be opened for settlement by proclamation of the President, and disposed of to actual settlers under the homestead laws only. At IV.

THE SIOUX COMMISSION.

The Sioux Commission has not yet made its report, but its work having been conducted largely under supervision of this Department, I am able to state its progress and the accomplishment of its purpose. It has acquired the consent of the Sioux Nation to the act of Congress whereby a vast domain will have been transferred to the United States upon the payment promised therefor.

This Commission was originated, it may be said, under two separate acts of Congress, both dated March 2, 1889. The one (25 Statutes, page 888) entitled "An act to divide a portion of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes."

The other act was the appropriations bill (25 Stats. U.S., 1005), approved March 2, 1889.

Therein it was provided:

That the *President of the United States* is hereby authorized and empowered to appoint three commissioners for the purpose of entering into

*negotiations and agreements* with the Sioux Indians occupying the great Sioux Indian Reservation in Dakota for a full and complete cession and relinquishment to the United States of a portion of their reservation, and to divide the remainder into separate reservations, and for such other purpose as they may find necessary touching said reservation,. . .at IX.

Thereupon instructions were given by the Secretary of the Interior as to the manner ofsubmitting the act for procuring the assent of the Sioux Indians, and the Commission acted directly under these instructions and no others.

The act was thus submitted at the different agencies; was fully expounded to the Indians there assembled; and, after a long discussion and much hesitation, extending over some weeks, the same was assented to by more that three-fourths of the Indians, as required under the act. At X.

The total amount of land of this reservation thus ceded to the United States is about 9,000,000 acres. Most of it must yet be surveyed, and contracts are now being made for this purpose so that it may be opened to settlers at an early day.

By section 21, of chapter 405, March 2, 1889 (25 U.S. Stats., 896), all this land, outside the separate reservations, is restored to the public domain, except three islands named, severally, American, Farm, and Niobrara Islands, and shall be disposed of by the United States to actual settlers only under the provisions of the homestead law, (except section 2301 therof, which related to former



right to preempt), and under the law relating to town sites; provided that each settler under the homestead act shall pay for his land, in addition to the fees, $1.25 for all land disposed of by the United States to actual settlers only under the provisions of the homestead law, (except section 2301 thereof, which relates to former right to preempt), and under the law relating to town sites; provided that each settler under the homestead act shall pay for his land, in addition to the fees, $1.25 for all land disposed of within the first three years after taking effect of this act; and the sum of 75 cents per acre for lands disposed of the next two years following thereafter, and 50 cents per acre for the residue; and shall be entitled to patent according to said homestead laws and after full payment for said lands; but the rights of honorably discharged soliders and sailors in the late civil war, under sections 2304 and 2305, Revised Statutes, shall not be abridged except as to said sums. It is further provided in said act (p. 897) that any conveyance of said lands so taken as homestead, or any contract touching the same or lien thereon, created prior to the date of final entry shall be null and void.

There will be the same pressure by the people to occupy these desirable lands that was felt at Oklahoma, but inasmuch as this territory is within the boundaries of South Dakota, it will not be without government, as was Oklahoma, and no great difficulty is anticipated upon its being restored to the public domain. At X-XI.

With the allotments the reservation disappears, for after the allotments are made what remains is sold to the Government and the proceeds thereof become a trust fund, the interest on which is paid to the particular tribe, thus producing a reliable annual income. At L.

## ALLOTMENTS OF LANDS TO INDIANS.

No appropriation is available for conducting such negotiations with the Indians who may desire to dispose of any portion of their reservation not needed for allotments. Few, if any, of the Indians now taking allotments have the means necessary to enable them to build houses and purchase implements, etc., with which to begin the work of practical husbandry upon their tracts. To secure such assistance many of them would readily enter into negotiations for sale of their surplus land, and it is necessary that a small appropriation for the purpose be made, in order that the provisions of the law may be complied with. At LII & LIII.

## THE CHIPPEWA INDIANS OF MINNESOTA

A commission, composed of Hon. Henry M. Rice, of Minnesota; Rt. Rev. Martin Marty, of Dakota; and Joseph B. Whiting, of Wisconsin, was appointed to conduct negotiations with the Chippewa Indians of Minnesota, as provided in the act of Congress approved January 14, 1889 (25 Stats., 642), which aims atthe segregation of all the Chippewa Indians now occupying reservations in Minnesota upon the White Earth Reservation, except those residing upon the Red Lake Reservation, and for extinquishment of the Indian title to the whole of the several reservations in said State except the White Earth and the Red Lake Reservations, and also to so much of the White Earth and Red Lake Reservations as is not required to fill allotments to the Indians. The work of this Commission has progressed favorably, and the required consent of the Indians to the provisions of the act has been given; but the report of the result has not yet reached the



Indian Office.

If the Commission has been successful in obtaining the relinquishment by the Indians of all the reservations outside of the White Earth and Red Lake, and should all the Indians occupying or interested in said reservations remove to the White Earth Reservation and take allotments upon it, there would be for disposition under the provisions of the act an aggregate of about 750,000 acres in the vacated reservations. At LVI.

With the Sioux Reservation the vacant lands will amount to 30,000,000 acres. At CXV.

## 7A. REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS (1890)

The Indians, with whose welfare and civilization he is charged, are widely scattered, and the territory in what is known as Indian reservations embraces not less than 181,000 square miles.

The entire system of dealing with them is vicious, involving, as it does, the installing of agents, with semi-despotic power over ignorant, superstitious, and helpless subjects; the keeping of thousands of them on reservations practically as prisoners, isolated from civilized life and dominated by fear and force; the issue of rations and annuities, which inevitably tends to breed pauperism; the disbursement of millions of dollars worth of supplies by contract, which invites fraud; the maintenance of a system of licensed trade, which stimulates cupidity and extortion, etc. At V.

The following points are especially worthy of consideration, and need to be repeated and emphasized until they are fully recognized by both whites and Indians:

It has become the settled policy of the Government to break up reservations, destroy tribal relations, settle Indians upon their own homesteads, incorporate them into the national life, and deal with them not as nations or tribes or bands, but as individual citizens. The American Indian is to become the Indian American. How far this process has advanced during the past year will be shown under the head of the reduction of reservations and allotment of lands.

The Indians themselves are coming to understand the present policy of the Government and are showing an increasing readiness and even desire to adjust themselves to it. During the past year I have had personal interviews with prominent chiefs and representative Indians from Wisconsin, North and South Dakota, Oregon, Arizona, New Mexico, Oklahoma, and Indian Territory, and I have been much gratified with their intelligent apprehension of the situation and with the willingness exhibited, as a general thing, to accept lands in severalty with individual citizenship. Almost without exception they have pleaded with me for more and better schools. At VI.

It was further settled in the case of the Cherokee Nation v. The State of Georgia (5 Peters, p. 1) that the Indians had an unquestionable and theretofore an unquestioned right to the lands they occupied until that right of occupancy was extinguished by voluntary cession to the Government; that they occupied lands to which the United States asserted a title, independent of their will,



which must take effect in respect of possession when their right of occupancy ceased. Hence, the claim of the Government to the lands of the Indian tribes extends to the *complete ultimate title*, charged with the Indian right of possession and to the exclusive power of acquiring that right. At XXIII.

The Indian title has been extinguished to all the public domain, except Alaska, and the portion included in one hundred and sixty-two Indian reservations, not embracing those in New York already referred to nor that occupied by the Cherokees in North Carolina, and by the Sacs and Foxes in Iowa, both of which were acquired by purchase.

Of these one hundred and sixty-two reservations there were established–

| | |
|---|---|
| By executive order | 56 |
| By executive order under authority of act of Congress | 6 |
| By act of Congress | 28 |
| By treaty, with boundaries defined or enlarged by executive order | 15 |
| By treaty or agreement and act of Congress | 5 |
| By unratified treaty | 1 |
| By treaty or agreement | 51 |
| Total | 162 |

*Reservations by Executive Order.*–Of the fifty-six established by executive order, the title has not been held to be permanent, but the land has been subject to restoration to the public domain at the pleasure of the President. Under the general allotment act, however, of 1887 (24 Stats., p. 388), the tenure has been materially changed and all reservations, whether established by Executive order, act of Congress, or treaty, are held to be

permanent. At XXX-XXXI.

## REDUCTION OF RESERVATIONS.

At the date of the last annual report of this office there were one hundred and thirty-three Indian reservations in the United States (counting the twenty-two small reserves of the Mission Indians of California as one only and the nineteen Pueblo reserves in New Mexico also as one), having an aggregate area of about 116,000,000 acres or 181,250 square miles, which is greater than than of the New England and Middle States combined, greater than the aggregate area of the States of Ohio, Indiana, Illinois, and Kentucky, and nearly equal to the combined area of the two Dakotas and Montana. To carry the comparison further, it is larger by half than the United Kingdom of Great Britain and Ireland, larger than Sweden or Norway, and nearly as large as either France or Spain. The total Indian population of the United States, exclusive of Alaska, was, by the census of 1889, 250,483, and exclusive of the five civilized tribes in Indian Territory, 185,283. At XXXVII.

Where it is suitable for agricultural or grazing purposes, it is the present policy of the Government to allot land in severalty to the Indians within their respective reservations—160 acres to heads of families, 80 acres to single persons over eighteen years of age, 80 acres to orphan children under eighteen years of age, and 40 acres to each other single person under eighteen years of age—to patent these individual holdings, with a restriction against alienation for twenty-five years, or longer, in the discretion of the President, and to purchase from the respective tribes any or all of the surplus land remaining after t[h]



allotments have been made. The general law for this is the allotment act of February 8, 1887 (24 Stat. p. 388), applicable to all reservations, except those of the five civilized tribes and three others in the Indian Territory, those in the State of New York, and one in Nebraska adjoining the Pine Ridge Sioux Reservation, which was set apart by Executive order for the purpose of suppressing liquor traffic with the Indians.

In numerous instances, where clearly desirable, Congress has by special legislation authorized negotiations with the Indians for portions of their reservations without waiting for the slower process of the general allotment act, which involves the survey of the land, the allotment in severalty by special agents appointed by the President for that purpose, and negotiations with the Indians for the cession and relinquishment of their surplus unallotted lands.

It is estimated that under such special legislation about 13,000,000 acres of land have been secured by cession from the Indians during the past year; and there are agreements now pending before Congress, through which, if ratified, the Government will acquire some 4,500,000 acres more; all of which will, under the operation of these laws, be open to white settlement in the near future.

Of the land actually acquired, about 9,000,000 acres are in North and South Dakota, secured from the Sioux (act of March 2, 1889, 25 Stat., p. 888), and about 4,000,000 acres in Minnesota,* acquired from the Chippewas (act of January 14, 1889, 25 Stat., p. 642). The agreements now pending in Congress will, if ratified,

restore to the public domain about 1,600,000 acres in North Dakota, in the Fort Berthold Reservation; about 660,000 acres in South Dakota, in the Lake Traverse (Sisseton,) Reservation; about 185,000 acres in Idaho, in the Coeur d'Alene Reservation; about 1,095,000 acres in Colorado, being the whole of the southern Ute Reservation; and about 941,000 acres in Oklahoma Territory, now embraced in the Pottawattomie, Iowa, and Sac and Fox Reservations; a grand total of upwards of 17,400,000 acres, or about one-seventh of all the Indian lands in the United States.

*The Chippewas ceded all of their lands in Minnesota embraced in the several reservations occupied by them, except the White Earth Reservation, of which they ceded four entire townships, and excepting, also, the Red Lake Reservation, of which they ceded perhaps three-fourths; but it can not be ascertained how much or just what particular portions of said reservations, except White Earth and Red Lake have actually been relinquished to the United States until the Indians shall have selected and received the allotments to which they are entitled under said act. At XXXVIII.

This might seem like a somewhat rapid reduction of the landed estate of theIndians, but when it is considered that for the most part the land relinquished was not being used for any purpose whatever, that scarcely any of it was in cultivation, that the Indians did not need it and would not be likely to need it at any future time, and that they were, as is believed, reasonably well paid for it, the matter assumes quite a different aspect. The sooner the tribal relations are broken up and the reservation system done away with the better it will be for all concerned. If there were no other reason for this change, the fact that individual ownership of property is the universal custom among the civilized people of this country would be a sufficient reason for urging the handful of Indians to adopt it.



As a general rule, I would not advise the purchase of surplus lands until the Indians have been located upon and absolutely secured in their individual holdings. Give them their patents and see that they are fairly started in the paths of civilization, with their children in school, and then it will be time enough to negotiate with them for the sale of the surplus. There is always a clamor for Indian lands, but there is no such pressing need for more land for white settlement as to justify undue haste in acquiring it. It is true the general allotment act authorizes the Secretary of the Interior to enter into negotiations with Indians for the purchase of their surplus unalloted lands in advance of the completion of the individual allotments, if, in the opinion of the President, it shall be for their best interests to do so. In some cases, this may be desirable, but as a rule, I think it better that they should take their allotments first. Their lands are becoming more valuable every year, so that they can lose nothing, in a pecuniary sense, by withholding the sale of so much as they may have to dispose of until after this has been done. At XXXIX.

It creates discontent, destroys the natural attachment for the soil, disturbs whatever progress in localization and settlement may have been made, and retards progress in every way. I fully agree with the late distinguished General of the Army (General Sheridan) that "every section of country should control the bad elements of its own population—not endeavor to foist them upon other more fortunate districts—and this is especially true of the Indians, who should, as far as possible, be controlled where they now are." At XXXIX.

Leaving out the five civilized tribes and the Alaska

Indians, it would take about 30,000,000 acres of land to give to every Indian in the United States—man, woman, and child—160 acres each. There would still remain, in round numbers, 66,000,000 acres of Indian land, (exclusive of the reservations of the five civilized tribes), which, at $1 per acre, probably a fair average, would yield $66,000,000, the annual interest on which, at five per cent, would be $3,300,000—a sum sufficient to pay the entire cost of educating all the Indian children in the United States. At the end of a few years, the principal sum might properly be distributed per capita among the rightful owners to assist them in improving their homes, when they could be left like other citizens to care for themselves.

Here we have an immense landed estate belonging to the Indians, which, if judiciously managed by the Government, ought to place them on the high road to prosperity, and relieve the Government of a great financial burden. It is not essential to their prosperity that they should have a great fund in the Treasury to draw upon for their support; on the contrary, it would be a positive evil. But I would sell their surplus lands, place themoney inthe Treasury, and expend theinterest in assisting them to break and fence their lands, to build comfortable houses, to provide themselves with agricultural implements, seeds and stock, and, most important of all, to educate their children.

It will not do to say that they do not hold their land by such a title as to render it obligatory upon the Government to give them the proceeds of the sale of their surplus. All of which I have spoken is held by them either by virtue of sacred treaty stipulation, by act of Congress,



or by executive order, and with possibly a few exceptions, even those who occupy reservations established by authority of Congress, or by executive order, have as good a claim, in equity,to absolute ownership as those who hold them by virtue of treaties with theGovernment.

As already stated, the general allotment act of February 8, 1887, confirms the Indian title in all existing reservations. It provides that in all cases where any tribe or band of Indians has been or shall hereafter be located upon any reservation created for their use, "either by treaty stipulation or by virtue of an act of Congress, or by executive order, setting apart the same for their use," the President of the United States may, whenever in his opinion any reservation or any part thereof is suitable for the purpose, allot the lands of said reservation in severalty to the Indians located thereon, in quantities as specified; and that after lands shall have been so allotted, or sooner, if in the opinion of the President it shall be for the best interests of the Indians, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservation not allotted as such tribe shall from time to time consent to sell, "upon such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians."

I desire to ask special attention to the great importance of theearly ratification of agreements made with Indians for the cession of portions of their reservations. Delay in such matters is not understood by them, often works hardship, creates unrest, begets distrust, and greatly retards their progress. It should be remembered

that while these agreements often involve the appropriation of large sums of money, the amount is almost wholly re-imburseable from the sale of the land.

## CHIPPEWA INDIANS IN MINNESOTA.

The commission appointed under the provisions of the act of January 14, 1889, (25 Stat. p. 642), to negotiate with all the different bands or tribes of Chippewa Indians inthe State of Minnesota for a "complete cession and relinquishment in writing of all their title and interest and to all the reservations of said Indians in the State of Minnesota, except the White Earth and Red Lake Reservations, and to all and so much of these reservations as in the judgment of said commission is not required tomake and fill the allotments required by this and existing acts," etc., submitted its final report under date of December 26, 1889. At XL-XLI.

Since the date of the last annual report, the 1341 patents issued to the Sisseton and Wahpeton Indians, on the Lake Traverse Reservation, in North and South Dakota, have been delivered to the Indians. The agreement, however, for the cession of their surplus lands now pending in Congress, provides for additional allotments, so that each Indian belonging to the reservation shall have 160 acres of land. At XLV.

The division of Indian lands in severalty and theultimate destruction of the tribal andreservation systems being inevitable, the Indians should be taught to look forward to this and be prepared, so far as practicable, to meet it. At XLIX.



## THE UMATILLA RESERVATION IN OREGON.

After much delay the necessary surveys for the carrying out of the provisions of the act of March 3, 1885 (23 Stats. 341), which provides for the allotment of lands in severalty to the Indians of the Umatilla Reservation, in Oregon, and the appraisement and sale of their surplus lands, have been executed and approved, and a commission has been appointed by the President to classify and appraise the surplus lands, that is, the lands outside of the diminished reservation established by order of the Secretary of the Interior, under and in accordance with the provisions of the act of October 17, 1888 (25 Stats. 559), an act amendatory of the former act. XLIX-L.

Large bodies of lands now included in reservations are practically worthless for farming purposes, without irrigation. The spread of the white population over the public domain, the reduction of reservations, the confining of Indians to ever-narrowing borders, makes the problem of their support one of increasing difficulty and urgency. At CI.

As stated in my last report, this reservation is triangular inform, with its southern point near Watertown, S. Dak., and reaching north about 90 miles, covering a small piece of North Dakota. It contains about 918,000 acres of land of which there are taken for allotments about 128,000 acres, leaving of surpluslands 79,000 acres. It is prairie land, with some timber in the deep ravines and about the lakes and streams. The amount of timber provides no supply for the settlement of the country, and is almost wholly covered by the allotments already taken. The soil is rich, and all vegetation makes a wonderful

growth whenever supplied with sufficient moisture.

SALE OF SURPLUS LANDS.

In November last commissioners of the General Government held a council with these Indians for the purpose of obtaining a proposition to sell their surplus lands. A proposition was obtained, signed by a large majority of the tribe, and the same is now before Congress for ratification. It is earnestly hoped that said agreement will be ratified, in order that these Indians may be relieved from a half-starved, half-clothed condition and placed in more comfortable circumstances. At 65.

7B. REPORT OF THE SECRETARY OF THE INTERIOR, H. EXEC. DOC. 51ST CONG., 2d SESS. VOL. II (1890-91)

And again, while this Territory has been forming, great additions from the Indian reservations have been made to the public domain soon to be opened to settlement. The various Indian commissions have made agreements, now awaiting Congressional action, with different tribes for many millions of acres. At I.

INDIAN AFFAIRS

But it needs to be said that a much larger area of land than is necessary is held for Indian occupancy. There are not more than 250,000 Indians within the borders of the United States (excluding Alaska). The greaterpart of these reside upon or have some interest in the existing reservations, the others living upon a portion of the public domain. The aggregate area of the Indian reservations was, at the last report, about 116,000,000 acres, or 181,250



square miles, which is, as calculated by the Indian Commissioner, "greater than that of the New England and Middle States combined, greater than the aggregate area of the States of Ohio, Indiana, Illinois, and Kentucky, and nearly equal to the combined area of the two Dakotas and Montana; or, to carry the comparison further, it is larger by half than the United Kingdom or Great Britain and Ireland, larger than Sweden or Norway, and nearly as large as either France or Spain."

There has been a reduction during the fiscal year by cession of Indian title to reservations under ratified agreements to the extent of about 13,000,000 acres of lands heretofore held by them, leaving the aggregate area of reserved land at this time over 103,000,000 acres.

. . .The surplus held in reservation appears therefore to be unreasonably large. A large portion of it is lying idle, and is a bar to the Indians' progress, and our country's development. To restore this to the public domain will work no hardship to the Indians, if the cessions are made upon terms as fair as have characterized the agreements recently negotiated. Those Indians expecially who are supported by the Government, not because of treaty obligations, but in order to save them from starvation, should not continue to hold these large tracts without actual occupancy or use. It would be better for each tribe to part with its claim for a money consideration that would create a fund to be securely held by the United States, and upon which it could depend for the support of its members until, by proper use of individual homesteads, they may support themselves.

## INDIAN CESSIONS.

The cessions made by various tribes should be moreparticularly set forth, as there were serious obligations imposed on the United States thereby that have not yet been performed.

### THE GREAT SIOUX IN NORTH AND SOUTH DAKOTA. At XXIII-XXIV.

### THE CHIPPEWAS IN MINNESOTA. At XXVI.

### OTHER CESSIONS MADE.

There are pending in Congress agreements as follows: For the cession of about 1,600,000 acres of the Fort Berthold Agency Reservation in North Dakota, negotiated under provisions of the act of May 15, 1886 (24 Stats., 44); for about 184,960 acres of the Coeur d'Alene Reservation in Idaho, negotiated under the act of March 2, 1889 (25 Stats., 1003); for about 600,000 acres of the Lake Traverse Reservation in South Dakota, negotiated under the provisions of section 5 of the general allotment act of February 8, 1887 (24 Stats., 388); for about 1,095,000 acres of the Southern Ute Reservation in Colorado, negotiated under the fourth section of the act of May 1, 1888 (25 Stats., 133), and for about 7,871 acres of the Flathead Indians in Bitter Root Valley, Montana, negotiated under the provisions of the act of March 2, 1889 (25 Stats., 871). These should all have early attention by Congress.

### CESSIONS BY VARIOUS TRIBES THROUGH THE CHEROKEE COMMISSION. At XXVII.



## OTHER COMMISSIONS TO NEGOTIATE CESSIONS.

The appointment of the following commissions was also authorized during the last session of Congress:

### NORTHERN BAND OF CHEYENNES. At XXVIII.

### TURTLE MOUNTAIN BAND.

(3) To negotiate with the Turtle Mountain band of Chippewa Indians, in North Dakota, for the cession and relinquishment to the United States of whatever right or interest they may have in or to any and all land in said State to which they claim title, and for their removal to the White Earth Reservation in Minnesota; . . .

### WARM SPRINGS INDIANS.

(4) To visit and thoroughly investigate and determine as to the correct location of the northern line of Warm Springs Indian Reservation in Oregon, and to negotiate with the Indians located on the Colville Reservation in Washington for the cession of such portion of the reservation as the Indians are willing to dispose of, that the same may be opened to settlement. At XXIX.

### CROW INDIANS.

The act of September 25, 1890, entitled "An act to authorize the Secretary of the Interior to procure and submit to Congress a proposal forthe sale to theUnited States of the western part of theCrow Indian Reservation

in Montana," provides for a commission of three persons, to be appointed by the Secretary of the Interior, to negotiate with the Crow Indians for a surrender to the United States of all that portion of their reservation in Montana, or so much thereof as they will consent to surrender, which is situated south of the Yellowstone River and west of the divide between Pryor Creek and Clark's Fork, in said State.

None of the agreements that may be made by these commissions are to be valid until ratified by Congress. At XXX.

Under the authority contained in the fifth section of the general allotment law (24 Stats., 388) successful negotiations were conducted with the Sisseton Indians in South Dakota for the cession of their surplus lands, and the agreement entered into for this purpose, which was submitted to Congress early in the session, passed the Senate, but failed to receive favorable consideration in the House of Representatives. The failure to ratify this agreement is a matter to be greatly regretted, as many of theIndians are in a destitute condition, owing to repeated crop failures, due to successive droughts, and are likely to suffer from want during the coming winter. The payment of annuities, long unjustly withheld from them, as provided in the agreement, would have relieved their immediate necessities and secured them against further immediate sufferings. At XXXV.

It is also worthy of consideration whether the period now allowed the tribe to determine whether it will receive allotments should not be put under control of the President, so that if he deems it proper in any particular



case he may shorten the time for exercising the choice, for as the law stands many tribes give no attention to the subject and delay unreasonably all negotiations. At XXXVI.

## 8A. SIXTEENTH ANNUAL REPORT OF COMMISSIONER OF INDIAN AFFAIRS (1891).

Although many, like those just mentioned, are under the immediate control of the Government and require more or less of vigilant surveillance, multitudes of others, such as the Indians in New York, those in Michigan, and the 65,000 of the five civilized tribes, are only nominally under Government control, while thousands, like the Santee Sioux, the Sissetons and Wahpetons, the Nez Perces, the Puyallups, etc., are, by the operation of the land-in-severalty law, becoming citizens and gradually passing out from under governmental supervision.

If, however, the purpose is to incorporate the Indians into the national life as independent citizens, so that they may take their places as integral elements in our society, not as American Indians but as Americans, or rather as men, enjoying all the privileges and sharing the burdens of American citizenship, then this purpose should be not only clearly and definitely stated, but should be dominant in all matters of legislation and administration. It should be understood not only by our own people but by the Indians themselves, and should be inculcated as a fundamental doctrine in every Indian school. At 4.

(5) Justice.– The charge most frequently brought against the American people in reference to their dealings with theIndians is that of injustice. This charge is

sometimes flippantly made, and oftentimes rests upon no historical basis, and yet it is unfortunately true that the impression widely prevails in the popular mind and is deeply rooted in the mind of the Indians that treaties have been broken and that the Government has failed in numerous instances to perform its most solemn obligations. It certainly cannot be said that this great nation has intended to be unjust, and recent acts of legislation have shown conclusively a desire not only on the part of Congress, but of the people of the country generally, to fulfill to the letter all the obilgations, promises, and even expectations of the Indians.

But justice is two-sided. It demands as well as concedes. While it is desirable that we should pay the Indians to the last dollar all that is due them, we should expect of them the fulfillment of their obligations.

One great political truth has been made absolutely clear by the march of events, and that is that the people of the United States constitute one nation. There is no place within our borders for independent, alien governments, and theIndians must of necessity surrender their autonomy and become merged in our nationality. In requiring this we do not ask that they concede anything of real value to themselves, but only that for their highest welfare they abandon their tribal organizations, their provincialisms, their isolation, and accept in lieu thereof American citizenship and a full participation inall the riches of our civilization; By this great transformation they are the gainers, rather than we ourselves. At 6.

If the policy of allotting lands is conceded to be wise, then it should be applied at an early day to all alike



wherever the circumstances will warrant. If we have settled upon the breaking up of the tribal relations, the extinguishment of the Indian titles to surplus lands, and the restoration of the unneeded surplus to the public domain, let it be done thoroughly. If reservations have proven to be inadequate for thepurposes for which they were designed, have shown themselves a hindrance to the progress of the Indian as well as an obstruction in the pathway of civilization, let the reservations, as speedily as wisdom dictates, be utterly destroyed and entirely swept away. At 8.

(10) Time.– The great forces now at work; land in severalty with its accompanying dissolution of thetribal relation and breaking up of the reservation; the destruction of the agency system; citizenship, and all that belongs thereto of manhood, independence, privilege, and duty; education, which seeks to bring the young Indians into right relationship with the age in which they live, and to put into their hands the tools by which they may gain for themselves food and clothing and build for themselves homes, will, if allowed to continue undistrubed a reasonable length of time, accomplish their beneficent ends. They should be fostered, strengthened, maintained, and allowed to operate. At 9.

When the Indians shall have become citizens of the United States this paternal control will cease. They will no longer be subject in any respect to restraint by this office, but will have the right to go where they please and when they please. Their contracts will not be subject to approval by the Commissioner of Indian Affairs or the Secretary of the Interior, but will stand an equal footing with those of other United States citizens. There will be no

restriction of trade with them, and in fact whatever rights may be enjoyed by a citizen of the United States will be theirs, and they will no longer be subject to arrest at the instance of a United States Indian agent or by the Indian police, nor to trial and punishment by the courts of Indian offenses for misdemeanors over which those courts now have jurisdiction.

At the same time, with the exception that their lands received under allotment laws will be exempt from taxation for a period of twenty-five years, and possibly longer, they will be subject to the burdens borne by other citizens, and must manage their own affairs. At 25.

The policy above outlined will eventually make all Indians citizens of the United States, when the Indian reservation will no longer appear on our maps, and the autonomy of the tribes, a fact to us, will be mere history to the generations that will come. At 26.

## EARLY ALLOTMENTS

The policy of dividing lands owned or occupied in common by an Indian tribe among its several members was inaugurated by act of March 3, 1839, which authorized the division of the lands of the Brothertown Indians (Wisconsin) by a commission of five of the principal head men, and for the issuance of patents in fee simple to the Indians and their heirs and assigns.

The act also provided that upon the filing of the report of this commission, with a map of the allotments, and the transmission of the same to the President, the Brothertown Indians should be deemed citizens of the



United States, and be subject to its laws, and to those of the Territory of Wisconsin.

By law or treaty this policy was subsequently applied, with various modifications as to the tenure of the lands allotted, the status of the allottees, the right of alienation, etc., to several other tribes, notably the Ottawas and Chippewas, the Pottawatomies, the Shawnees, and the Wyandottes.

The Brothertown Indians (remnants of the Mohican and other New York tribes) long since passed from the notice of this office, and, so far as the other tribes are concerned, the records show that where their lands were conveyed in fee simple, with no restrictions as to alienation, they soon parted with them without sufficient consideration, and squandered what little they received. The disastrous result of this policy in several cases has led this office to insist thatthe right of alienation should be limited in some manner, so that Indians can not improvidently dispose of their lands.

## PROGRESS IN ALLOTMENTS.

In 1887 the first general law was enacted (24 Stats., 388), and by its provisions lands were to be given to the several members of a tribe (except married women), in quantities differing according to the age of the allottee, or status as the head of a family, or otherwise. At 40.

## REDUCTION OF RESERVATIONS.

The work of reducing the area of the reservations, by extinguishing by purchase from the Indians their title to

the land and its restoration to the public domain, has been carried forward rapidly, as is shown in the following detailed statements:

Counting the 22 small reserves of the Mission Indians of California as only one reserve and the 19 Pueblo reserves of New Mexico as one also, the number of reservations as given in the annual report of this office for 1890 was 138, having an aggregate area of about 104,314,349 acres, or 162,991 square miles. This amount is about 12,071,380 acres, or 18,861 square miles, less than the amount reported in 1889, while at the present time there are five more reservations than in 1889, owing to the division of the Great Sioux Reservation, as provided by act of March 2, 1889.

The agreements ratified by act of Congress approved February 13, 1891 (26 Stats., 749), restored to the public domain 391,184.65 acres from the Sac and Fox Reservations, in Oklahoma, including 25,194.61 acres for school purposes; and from the Iowa Reservation, in the same Territory, 219,446.27 acres, including 12, 271.75 acres for school purposes. The ratification of agreements by the act of March 3, 1891 (26 Stats., 989), restored to the public domain from the Pottawatomie Reservation, Oklahoma, 309,134.77 acres, including 22,650.44 for school purposes; from the Cheyenne and Arapaho Reservation, Oklahoma, about 3,000,000 acres; from the Coeur d'Alene Reservation, Idaho, about 185,000 acres; from the Fort Berthold Reservation, North Dakota, about 1,600,000 acres; from the Lake Traverse Reservation, South Dakota, about 660,000 acres, and from the Crow Reservation, Montana, about 1,800,000 acres; a total of about 8,164,765 acres. At 44.



The ceded portion of the Fort Berthold Reservation, North Dakota, consisting of about 1,600,000 acres, has been thrown open to settlement by proclamation of the President.

The ceded lands of the Coeur d'Alene Reservation, Idaho, were opened to settlement from the date of the approval of the act.

Allotments of land are being made on the Lake Traverse Reservation, South Dakota, and the Cheyenne and Arapaho Reservation, Oklahoma, and surveys are in progress upon the Crow Reservation, Montana, and when they are completed and the terms of the act ratifying the respective agreements with the Indians of the several reservations shall have been fully complied with, the unallotted or vacant lands embraced within the ceded portions will be thrown open to settlement.

The agreement with the Indians of the Southern Ute Reservation, in Colorado, referred to in my last annual report, was not ratified by the last Congress.

## NEGOTIATIONS FOR FURTHER REDUCTIONS.

The Indian appropriation act for the fiscal year ending June 30, 1892 (26 Stats., 1010), contains the following provisions:

To enable the Secretary of the Interior in his discretion to negotiate with any Indians for the surrender of portions of their respective reservations, any agreement thus negotiated being subject to subsequent ratification by Congress, $15,000 or so much thereof as may be necessary. At 45.

## RESERVATIONS SHOULD NOT BE REDUCED TOO RAPIDLY.

While perhaps it is possible to push such work too rapidly, I do not hesitate to say that the ultimate destruction of the entire system of reservations is inevitable. There is no place for it in our present condition of life, and it must go. The millions of acres of Indian lands now lying absolutely unused are needed as homes for our rapidly increasing population and must be so utilized. Whatever right and title the Indians have in them is subject to and must yield to the demands of civilization. They should be protected in the permanent possession of all this land necessary for their own support, and whatever is taken from them should be paid for at its full market value. But it can not be expected under any circumstances that these reservations can remain intact, hindering the progress of civilization, requiring an army to protect them from the encroachments of home-seekers, and maintaining a perpetual abode of savagery and animalism. The Indians themselves are not slow to appreciate the force of the logic of events, and are becoming more and more ready to listen to propositions for the reduction of the reservations and the extinguishment of their title to such portions of the land as are not required for their own use.

The same considerations, however, which suggest the possibility of pushing the allotment of lands too rapidly also suggest the desirability of moving with caution and deliberation in reducing the reservations. If they are broken up too suddenly and violently, the harm resulting to the Indians would not be, by any means, counterbalanced by the benefit conferred upon other people. At 46.



They have looked upon the pale faces as their enemies, with whom they could have no dealings which would be of mutual advantage; but the breaking up of the reservations and the coming of the white men with all their better modes of life necessitate a closer acquaintance with each other and a knowledge of the general superiority of the white man's civilization. Multitudes of Indians are now beginning to understand this, readily accept the situation, and benefit by the change. At 47.

8B. REPORT OF THE SECRETARY OF THE INTERIOR, H.EXEC. DOC. 52nd CONG., 1ST SESS. VOL. 14 (1891-92).

Sir: The years of the present administration have been marked to a notable degree by the expansion of the public domain for private settlement. European nations strive with one another to plant colonies beyond their borders, even in Africa andon distant islands; but our country is so fortunately situated that within its own boundaries are vast tracts of fertile land heretofore unused, on which communities can establish themselves in a single day, and be protected by an almost instantaneous but easy and peaceful application of our system of laws and government to their new relations.

## OKLAHOMA—NEW PURCHASES OPENED TO SETTLEMENT.

The peaceful and efficient overtures of the government have been met in an intelligent spirit by the different Indian tribes visited by Commissions, and for valuable considerations large portions of their reservations have been ceded for settlement. Agreements were made by

the Cherokee Commission during the previous fiscal year in the territory of Oklahoma with the Sacs and Foxes of the Mississippi, the Iowas, the Absentee Shawnees, and the Citizen Pottawatomies. These agreements were ratified by Congress at its last session. The allotments to the Indians wereduly made, amounting in most cases to 160 acres each. The counties in this particular region, as well as five other counties in the country of theCheyennes and Arapahoes, were laid off by the Secretary and lands for county seats designated and reserved. At 111.

By your proclamation dated September 18, 1891, all this domain, with required exceptions, was opened to settlement at the hour of 12 o'clock noon (central standard time), Tuesday, September 22. The lands can be acquired only by actual settlers under the homestead or town-site laws. At IV.

The lands of the Cheyenne and Arapahoes, in Oklahoma, are also nearly ready for homesteads. The agreement with these tribes was made in October, 1890, and has been ratified by act of Congress. . .As soon as theallotments are made there will be 3,000,000 acres ready upon your proclamation for settlement—equal to 18,750 homesteads of 160 acres each. At V.

Besides the lands in Oklahoma ceded by the tribes above mentioned there have been made ready for settlement large tracts in other parts of the country; andin addition to the foregoing, allotments have been made to many otherIndians not visited by commissions, andnumerous allotting agents are yet at work.

Over 16,000 Indians have already become citizens of



the United States, and about 4,000 more by taking their allotments have signified their desire to become citizens. To these numbers should be added the 7,619 Indians in Oklahoma who have taken or agreed to take allotments. A total of 27, 619 Indians naturalized, and total of acres acquired for settlement of about 23,000,000 during the present administration alone.

## INDIAN ALLOTTEES.

At the same time that these great advantages have been secured for our fellow-citizens the rights of the Indians have been accurately preserved and their allotments carefully guarded. . . .He acquires a standing as complainant or otherwise in our courts on the same footing as other citizens, except as to his allotments which the government directly guards. . . .Not only is the Indian established as a homesteader and a breadwinner, and being supported in his new life until he learns its ways and realizes its virtues, does he lift himself from idleness and dependence on the United States for support, but the reservations come under the control and protection of state or territorial government, the lands surrendered grow from deserts into productive farms, and the communities upon them add to the nation's agricultural wealth, its commerce, and its strength. At V & VI.

## AGREEMENTS WITH INDIANS DURING THE PRESENT ADMINISTRATION.

The following table exhibits in condensed form the results of the successful labors of the various commissions negotiating with the Indians since the commencement of

the present Administration, with dates of agreements, and a summary of lands purchased in Oklahoma. At VII.

## HOMESTEAD SETTLERS.

In connection with this great expansion of the public domain for homestead settlement it is gratifying to be able to report that the claims of settlers upon the public lands have been most satisfactorily disposed of since the fiscal year ending June 30, 1888. At IX.

In connection with the facts already presented in regard to opening the country for settlement, preserving its streams, and improving its condition, it is appropriate to note that the census taken in 1890, under the supervision of this Department and the Census Bureau, concerning which 118 bulletins of the Superintendent have already been issued, shows the population of the United States and Territories to have been in that year 62,622,500, being an increase of 24.86 per cent over that of the year 1880, and that the assessed valuation of property was $24,249,589,804, being an increase of 43.46 per cent over that of 1880. At XV.

The allotment law, commonly known as the Dawes bill, has secured for its author the praise of all interested in the welfare of the Indians. It has been accepted as the very best means of solving the Indian problem, and it is now, as has been pointed out in the earlier part of this report, receiving an administration, chiefly by written consent and agreement of the Indians, that promises to develop rapidly its benefits for allottees. At XXXV.

In a previous portion of this report it has been said



that the allotment bill, commonly styled the "Dawes bill," whereby, through the effect of allotments, citizenship is conferred upon the allottee, has had general recognition and approval. We should not now interfere with its principal provisions or defeat any of its beneficent effects. Its purpose is to change the Indians from the state of wardship to citizenship. This process has been going on for many years, and with increased force from year to year. There are no facts furnished upon which it can be asserted that the results of this policy are injurious to the Indians, or threatening to become so, while there is abundant evidence that severance of the tribal relations, the establishment of the Indian upon his own property, and the opening of his great reservations to white settlement have been conducive to the welfare of all concerned. At XXXVIII.

## INDIAN CESSIONS AND INDIAN COMMISSIONS.

The public land transferred from uselessness to cultivation through treaties made between the Indians and the United States has been acquired by the effective agency of various commissions, some of which are still in the field. At XLII.

## COLVILLE RESERVATION.

The provision of law for the appointment of a commission for the investigation of the matter of the Warm Springs Reservation boundary line provides that the same commission be directed to proceed to the Colville Indian Reservation, in the state of Washington, to negotiate with the bands of Indians on the Colville Indian

Reservation, in Washington, for the cession of such portion of the reservation as the Indians may be willing to dispose of, that the same may be opened to white settlement. Under instructions from this Department, the commission discharged this branch of its duties, and on June 8, 1891, submitted its report, transmitting an agreement whereby these Indians cede to the United States about 1,500,000 acres from the northern half of their reservation for a consideration of $1,500,000, to be paid in five equal annual installments for distribution per capita among the Indians entitled thereto, with certain other provisions for their interests. The report of the commission, their proceedings, and the agreement negotiated will be submitted to you for transmission to Congress. At LI.

Some allotments are being made on the ceded portion of the great Sioux Reservation, and upon the basis almost wholly of "grazing lands;" double quantity. At LVII-LVIII.

CROW RESERVATION, MONTANA.

A different plan has been adopted, whereby the surplus lands of the diminished reservation have been marked off in districts as nearly as possible by boundaries consisting of natural and physical features of the country, and the grazing lands within these several districts have been advertised and let to the highest bidder and permit agreements made with them for the privilege of grazing lands within said districts. . . .

On this basis,the Indians will secure nearly $30,000 per annum from the grazing of cattle on their surplus lands within their diminished reservation, whereas, under the



former practice and system, the largest amount secured was about $24,000 for grazing upon the reservation when it contained about 1,800,000 acres, more than is now within the diminished reservation. At LXI.

9A. REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS (1892).

Of course it is possible to continue the present reservation system and the exercise of guardianship over these people in the future as in the past for an indefinite period to come. The objections to this, however, are many and vital. The agency and reservation system has possibly accomplished some good in the past, and it has, at present, the possibility of benefit during the transition period, but certainly no wise man who understands the situation would venture even to suggest that the system should be made permanent. At 5.

Citizenship, accompanied by allotment of lands, necessarily looks toward the entire destruction of the tribal relation; the Indians are to be individualized and dealt with one by one and not en masse; they are to stand upon their own personal rights and be freed absolutely from the trammels of the tribe and the limitations of chieftaincy. At 6.

Of course this policy carries with it, of necessity, the destruction of the whole agency system and the abolition of the issuance of rations and supplies. After the Indians shall have become citizens it is expected that they will receive from the Government in cash whatever may be due them, and they will then necessarily depend upon their own intelligence for the expenditure of their own receipts.

Citizenship is simply opportunity. To confer upon an uneducated Indian, ignorant of the English language and unaccustomed to American ways, thefull privileges of liberty does not necessarily carry with it any advantage to him. It does not change his nature; confers upon him no new faculties; does not increase his intelligence; does not necessarily awaken any new desires, and may be practically a mockery. Where an individual wishes to become a citizen, and is eager for the advantages that citizenship brings with it, and has sufficient intelligence to adapt himself to his changed relations and to avail himself of his new privileges, as well as to perform satisfactorily his new duties, citizenship means very much. There are already among us tens of thousands of foreigners who have been naturalized and made citizens by the operation of the courts, who are in no sense qualified for their important duties, but who, on the contrary, are an element of weakness, if not of peril, to the country. It certainly is not desirable to add to this class of citizens any considerable number of blanket Indians who are made citizens only in name and not in fact. At 7.

The power of the agent in cases where land has been allotted—as, for instance, among the Sissetons, the Yankton, the Nez Percés, and elsewhere—is very limited indeed. Those under him are no longer his subjects, but citizens of the United States. He can not maintain an Indian police force or exercise any of the autocratic power to which he was accustomed when they were still merely wards ofthe nation. He is agent, therefore, in large part only in name, having the shadow of his office rather than its substance. To entirely discontinue the agency, however, and leave the people who have so long been accustomed to paternal guidance to their own resources would, in many cases, work great hardship. At 9.



By placing the superintendent of the school in charge of affairs, transferring to him something of the duties that have devolved hitherto upon the agent, and constituting him their chief counselor, director, and leader, the Indians would be spared many of the evils that might result from too hasty an abolition of the agency system. At the same time there would be the doing away of the agency proper and the saving of the expense connected with it. At 10.

Second. The Indians who, by taking allotments of land in severalty, have become citizens of the United States and thereby have passed under the jurisdiction and protection of the laws and courts of the States and Territories in which they reside. They number about 30,738. Also those to whom allotments in severalty are about to be made, numbering about 26,691, and about 25,636 more who are now in the act of receiving their allotments. At 26.

## COMMISSIONS AND NEGOTIATIONS FOR REDUCTION OF RESERVATIONS

The Indian appropriation act approved March 3, 1891 (26 Stats., 1010), contained the following provisions:

To enable the Secretary of the Interior, in his discretion, to negotiate with any Indians for the surrender of portions of their respective reservations, any agreement thus negotiated being subject to subsequent ratification by Congress, $15,000, or so much thereof as may be necessary.

*Pyramid Lake Reservation, Neb.*—An agreement was negotiated with the Pah-Ute Indians residing upon the Pyramid Lake Reservation in Nevado on October 17, 1891, for the surrender of the southern portion thereof,

embracing the town of Wadsworth. It was transmitted to this Office October 30, 1891, and reported to the Department December 5, 1891, with full explanations as to its provisions. The President transmitted it to Congress on January 11, 1892.

It appears that this agreement was not satisfactory to the Senate, and as the people of Nevada desire further reduction of the Pyramid Lake Reservation and the restoration to the public domain of the entire Walker River Reservation in that State,. . .at 74.

*Colville Reservation, Wash.*– The agreement negotiated by this commission, to which reference was made in my last annual report, was transmitted to Congress at the beginning of the last session, accompanied by the draft of a bill to ratify the same, notwithstanding the fact that certain of the provisions of the agreement were somewhat unsatisfactory.

In reporting upon the bill the Senate Committee on Indian Affairs, (Senate Report 664, Fifty-second Congress, first session) took the ground that as this reservation was established by executive order, it could be restored without the consent of the Indians.

Upon that ground Congress, instead of ratifying or rejecting the agreement, passed an act vacating and restoring to the public domain that portion of the reservation which the Indians had agreed to sell, the lands so vacated and restored to be opened to settlement and entry by proclamation of the President. The act provides that the net proceeds of the lands shall be set apart in the Treasury of the United States, subject to further appropriation by Congress for public use, but until so



otherwise appropriated shall be subject to expenditure by the Secretary of the Interior in the building of schoolhouses, the maintenance of schools for the Indians, the payment of such part of the local taxation as may be properly applied to the lands allotted to such Indians, and in such other ways as he may deem proper for the promotion of education, civilization, and self-support among said Indians. The act became a law without the approval of the President.

It is a matter of regret that this new position was not taken by Congress before thenegotiations were authorized, instead of after the Indians had given their consent to the restoration of lands upon terms and conditions which have been wholly ignored in the act. The Indians were thus led to believe that their consent was necessary and that they could dictate the terms, and may feel aggrieved because the negotiations have been repudiated and their rights denied. At 76.

*Yankton Reservation, S. Dak., and Siletz Reservation, Oregon.*–Under the provisions of a clause contained in the Indian appropriation act approved July 13, 1892, (see page 720), a commission, consisting of J.C. Adams, South Dakota, W.L. Brown, Chicago, and J.J. Cole, St. Louis, has been appointed to negotiate with the Indians of the Yankton Reservation, S. Dak.; also a commission, consisting of H. H. Harding, of Missouri, and Reuben P. Boise and William H. Odell, of Oregon, has been appointed to negotiate with the Indians of the Siletz Reservation, Oregon. Their mission is to obtain from the Indians the surrender of such surplus lands as they may choose to dispose of, any agreements negotiated to be subject to ratification by Congress. At 77.

*Cherokee Outlet.*—By far the most important agreement that has been negotiated by the Cherokee Commission is that with the Cherokee Nation for the cession of its rights, title, and interest in the tract of country known as the "Cherokee Outlet" (sometimes improperly called "Cherokee Strip"). This agreement was negotiated with commissioners on the part of the Cherokee Nation December 19, 1891, and was ratified by an act of the Cherokee council approved January 4, 1892. At 79.

The ratification of this agreement would make available for public settlement something over 6,000,000 acres of land, a part of which is reported to be the best agricultural land in that section of the country. From all parts of the United States inquiries have come to this office as to the probability of the outlet being opened to settlement at an early date; and the office is informed that for over two years (ever since the first settlements were permitted in Oklahoma), a large number of people have been waiting on the southern boundary of Kansas for the opening of the lands of the outlet. At 80.

## DISPOSITION OF RESERVES OPENED TO SETTLEMENT.

The following schedule shows the disposition of the lands embraced within th[illegible]nne and Arapaho Reservation, Okla., and the [illegible]nd Wahpeton (Lake Traverse) Reservation, in North Dakota and South Dakota:

CHEYENNE AND ARAPAHO RESERVATION.

| | Acres. |
|---|---|
| Allotted | 529,682.06 |
| Opened to settlement | 3,500,562.05 |
| Reserved for school lands | 231,928.55 |
| Reserved for military, agency, and other Government and mission purposes | 32,343.93 |



SISSETON AND WAHPETON (LAKE TRAVERSE) RESERVATION.

| | Acres. |
|---|---|
| Allotted | 310,711.06 |
| Opened to settlement | 573,872.26 |
| Reserved for school purposes | 32,840.25 |
| Reserved for church, school, agency, etc., purposes | 1,347.01 |

At 81.

Another reason for the increase of business is the breaking up of reservations and the allotment of lands. During the past three years more than 24,000,000 acres of Indian lands have been restored to the public domain, and the amount of office work involved in preparing instructions for commissions, examining their accounts, and reporting upon their labors, as well as in allotting lands, has been very great. At 136.

In reviewing the past three years and looking forward to the future, I venture to suggest the following as my mature conclusions:

First. The present policy of dealing with the Indians, which is all summed up in the one word citizenship, should be accepted as final, and should be carried into execution as rapidly as practicable. The one great thought which should dominate Indian administration is that the end is in sight, and that everything reasonable should be done to hasten the winding up of the affairs of the Indian Bureau. At 140.

SIR: Referring to your communication dated August 12, 1892, I have the honor to briefly give my views in compliance therewith.

The result of my observations upon the practical working of the general allotment law since I took charge of this agency is favorable to the system, though some changes might be made that would encourage the allottee and harm no one.

Nearly all the adult male allottees reside with their families on their allotments. The older ones have their patches of corn and potatoes, while the young men are manifesting a disposition to farm more extensively, many of them, however, preferring to raise stock (horses being their choice) to cultivating the soil.

Not less than two thirds of the allotments are to minors and older people

who can not make use of them, and with the facilities within the reach of the balance 160 acres is all then can handle for a few years, in consequence of which thousands of acres must necessarily remain in a wild state for an indefinite time, the owners receiving no benefit whatever until some practical law is enacted permitting the parents or guardians to lease these lands for a longer period than three years, as no sane man cares to take land to cultivate or to make the necessary improvements for the protection of stock in this extreme climate for so short a term; and for these purposes but a few applications for leases have been made, and these upon learning the law became disheartened and abandoned the project.

Most of the allottees who have come under my notice appreciate their privileges and realize their obligations as citizens; but being citizens and subject to the laws of the State, they do not like to recognize that an agent has any authority. But most of them are willing to listen to advice and in many cases profit by it where they have differences, knowing that a lawsuit would be expensive. In the past few weeks a number of separations of young married men and women have been amicably settled at the agent's office, peace and harmony now prevailing at their homes. Some of these were caused by jealousy, others by strong drink.

None of these allottees have yet exercised the right of franchise, but there is a manifest growing pride among them in anticipation of the privileges of voting this fall. And I believe they will be as free from bribery and corrupt influences as their white neighbors.

Tribal ties are fast becoming extinct, and only on our national holidays and when called together by the agent do we see any considerable number of tepees in a group.

I have not learned of any trouble existing between the white settlers and allottees on this reservation, and believe the intermingling of whites and Indian farmers will have a good effect. At 191.

REPORT OF SISSETON AGENCY.

Sisseton Agency, S. Dak., *September 26, 1892.*

SIR: In compliance with instructions I have the honor to submit my annual report of affairs at this agency.

Arriving here about May 1, we began listing the public property, and, much of it being old, worn out, and scattered, one month was taken up in completing the invoice, after which, on June 1, 1892, I assumed charge of the agency, and having only had control thirty days at the end of the fiscal year, I must confine my report principally to statistics up to June 30, and will have to run into the present year for observation and experience.

The Reservation and Indians.– The Sisseton and Wahpetons no longer hold their land in common, having taken allotments in severalty, and on April 15 of the present year this reservation was thrown open for settlement under the homestead law, and to-day the houses of white settlers dot the prairie in every direction, while a number of towns have sprung into existence, and the red and the white men will hereafter harvest their crops and herd their stock side by side, and when, as the wheels of progress roll on and churches and schoolhouses take the place of the old time dance houses–which last are already unpopular among these honest people–it will be forgotten they were once classed with savages. It is true that on occasions like the Fourth of July a few of the older and middle aged Indians like to celebrate, and no other amusement for them is encouraged by their white neighbors who flock here by the hundreds to witness the strange custom. The grass dance is indulged in as it was this year not far from the



agency grounds, but aside from the quiet, weird manner of the dance, peace and harmony prevailed throughout. I would recommend that in the future the Department invest a few hundred dollars on our National holiday for fireworks and a big dinner, omitting the old custom, and show these people that the Government appreciates their loyalty in celebrating the National birthday.

In this connection I desire to say that there is with the introduction of whites on this reservation, yet a worse enemy to the red man than the dance. It is alcohol. Its evil effects were manifest during the payment of two weeks ago. As it likewise was at the beginning of the pending annuity payment, andnot having been granted a sufficient police force to meet and put down theevil, I was obliged to call for volunteers who are doing their duty well and ought to be paid for it. And I do not see why an agent should not have the same protection during a payment this year that a special disbursing agent received last year.

Although not occurring in the fiscal year 1892, I can not refrain from making honorable mention of the death August 26, 1892, of the noted chief, Gabriel Renville, who was leader of the friendly Indians at the time of the outbreak in 1862, and whose loss will be felt greatly both by the Sissetons and white people. At 469.

## 9B. REPORT OF THE SECRETARY OF INTERIOR, H. EXEC. DOC. 52ND CONG., 2D SESS. VOL. 12 (1892-93).

Large areas of land held in reserve for Indian purposes have been restored to the public domain. Agreements negotiated with fourteen Indian tribes have provided for restoration to the public domain of nearly 26,000,000 acres, and a great bulk of this vast property has already been opened to public settlement. Other agreements negotiated are pending in Congress, and when ratified will add 10,000,000 acres at least for the same purpose. . . .As a part of the work of reduction of Indian reservations, 9,000,000 acres of the lands formerly occupied by the great Sioux Nation of Indians in North and South Dakota have been opened as public domain, and the beginning of the disintegration of the tribal status of that great and warlike nation of Indians has been made by dividing the 21,000 members composing it into five smaller bands, and locating them on separate and reduced reservations.

The same process of reduction of Indian reservations is

in progress in other sections of the country, where large areas of land are yet reserved for Indian occupancy. At VII.

RESERVATIONS AND TRIBES BROKEN UP.

The reservation system and the continuance of tribal relations have been broken to such a degree that what remains of these obstacles to the Indian's progress is light and easily removed. The reservations have been purchased and converted into settlements after due allotments to the Indians in sufficient quantities to enable them each to have a farm, and this, with a constant suppression of the influence attempted to be exercised by chiefs or head men, has developed among these people a sense of the importance of the individual, an appreciation of his power to take care of himself andof the necessity that it should be exerciese. At VIII.

One grand result of the purchases of Indian lands has been the establishment of the territory of Oklahoma.

The great self-control exhibited at the three several openings to settlement that have occurred, by the great multitudes who rushed in to locate upon their respective quarter-sections, in each instance between noon and dark, displayed the respect our people have for law and order even under the most extraordinary and trying circumstances; and the rise of this populous and thriving territory, organized upon a domain that was an uncultivated waste when your administration began, will form, with all its incidents, an interesting chapter in the history of our country.

There have been negotiated agreements with Indians for the purchase of at least 10,000,000 acres, to be added to this territory, the most recent being that of the Kiowas



andthe most important that for the Cherokee Strip. If these are ratified at the approaching session of Congress, and the same prosperity attends the additions that has marked the present territory, it must be but a few years certainly before Oklahoma becomes a state in the Union. At IX.

Since the 4th of March, 1889, more than 24,000,000 acres of Indian lands, released by the Indians of their right of occupancy, have been restored to the public domain and opened to settlement, to become the homes of pioneer settlers. In addition, a number of agreements have been negotiated which, when raitified, will swell the total area to over 30,000,000 acres of land, heretofore reserved and uncultivated, made available for productive use. During the same time 12,273 allotments in severalty have been made to Indians and 7,248 patents have been issued and delivered to Indian allottees, and others are in course of preparation.

The negotiations for relinquishment of portions of reservations and allotments of land have involved many delicate questions and a great amount of work by the department and the Indian bureau. At XXXIII.

NEGOTIATIONS WITH THE INDIANS.

Important negotiations were conducted and in progress with Indian tribes during the past fiscal year, and others have been recently inaugurated under provisions of law providing therefor, which are briefly referred to as follows: at XXXIX.

SHOSHONE INDIAN COMMISSION.

The Department has been for some time in possession

of information to the effect that the Indians occupying the Shoshone or Wind River Reservation, Wyo., desired to take their lands by allotment and dispose of a portion of their reservation to the United States. The whites looking to the development of that State were anxious that negotiations be opened with the Indians for the surrender of a portion of their reservation.

It appears that the people of Wyoming are not satisfied with the quantity of land proposed to be ceded, and asked congress to reopen negotiations in order that an opportunity may be afforded the Indians to make further cessions. At XLII.

## PYRAMID LAKE COMMISSION

The fact that the town of Wadsworth, Nev., is located within the boundaries of the Pyramid Lake Indian Reservation; that many whites have settled therein along the fertile bottoms of the Truckee River; that about one-fourth of the Indian population of the reservation have settled in and around the town; and that it was desirable to settle the disturbed condition of affairs there, led to the appointment of a commission as provided in a clause contained in the Indian appropriation act of March 3, 1891, to negotiate with the Pah-Ute Indians of that reservation for the surrender of the southern portion thereof, to embrace the said town. The commission, consisting of Ebenezer J. Ormsbee, Cyrus Beede, and William A. Morgan, met at Wadsworth, Nev., on September 12, 1891, pursuant to approved instructions, to enter upon the discharge of the duties assigned it.

An agreement was concluded, October 17, 1891, with



the Pah-Ute Indians of the said reservation for the surrender of the southern portion thereof, which was submitted to Congress on January 11, 1892, forits consideration and action. That the agreement appears not to be satisfactory to the people of the State of Nevada, who desire the Indians of that reservation to surrender a larger protion thereof, and also that the Indians occupying the Walter River Reservation in that State surrender and relinquish the whole of it to the United States. Accordingly, a bill in lieu of one to ratify said agreement was introduced into and is now pending before Congress to vacate and restore a larger portion of the Pyramid Lake Reservation and the entire Walker River Reservation to the public domain, the same, if it shall become a law, to be presented to the Indians of the respective reservations for their acceptance and consent. At XLII-XLIII.

## YANKTON RESERVATION, S. DAK.

A commission consisting of J. C. Adams, South Dakota; W.L. Brown, Chicago, and John J. Cole, St. Louis, has been appointed under authority of a provision contained in the Indian appropriation act approved July 13, 1892 (Public No. 119), for the purpose of opening negotiations with the Indians of Yankton Reservation, South Dakota, for the surrender of their surplus lands, allotments having been completed to the individuals of the bands, any agreement concluded to be subject to ratification by Congress. This commission has been instructed to meet at Yankton Agency on October 1, 1892, and enter upon its duties. At XLIV.

## COLVILLE COMMISSION

Mark A. Fullerton, of Colfax, Oregon; William H.H. Dufur, of Dufur, Oregon, and James F. Payne, of Alma, N.C., were appointed as commissioners to determine the correct location of the northern line of the Warm Springs Reservation in Oregon, and also to negotiate with the various bands of Indians occupying the Colville Reservation, Wash., for the surrender of such portion thereof as they might choose to dispose of. Both duties were discharged by the commission, and an agreement was concluded with the Indians of the Colville Reservation whereby they ceded to the United States the northern half of their reservation, embracing about 1,500,000 acres, for a consideration of $1,500,000. The report of the commission, their proceedings, and the agreement negotiated, were submitted to Congress at the beginning of its last session, accompanied by a draft of a bill to ratify thesame, although certain provisions of the agreement were somewhat unsatisfactory to theDepartment. That body, when the agreement came before it for consideration, took the ground that as that reservation had been established by Executive order, it could be restored to the public domain without the consent of the Indians, and passed an act vacating and restoring to the public domain that portion of the reservation which the Indians had agreed to cede, the same to be thrown open to settlement and entry by proclamation of the President. This act becomes a law without the approval of the President.

The act provides that the net proceeds of the lands so restored shall be set apart in the Treasury of the United States for the time being, but subject to such future appropriation for public use as Congress may make, and that until so otherwise appropriated may be subject to expenditure by the Secretary of the Interior from time to



time for certain specific purposes for their benefit, and in the promotion of education, civilization, and self-support among the said Indians.

The action of Congress in relation to this reservation constitutes legislative declaration as to the status of Executive order reservations. It is to be regretted that this declaration was not made prior to the appointment of a commission to treat with the Indians occupying this reservation for a relinquishment of a portion of it, for by the fact that a commission was sent to negotiate with them the Indians were led to believe through the councils held by the Co mmission that they possessed title to the land and ought to be consulted as to the disposal thereof. The fact that their supposed rights have been ignored and that a portion of their reservation has been vacated and restored without their consent may cause them to feel sorely aggrieved when the land shall be opened to settlement after the survey thereof. At XLV-XLVI.

## CHEROKEE COMMISSION.

The Kickapoo agreement was concluded September 9, 1891, and by the terms thereof the Indians cede to the United States the lands embraced in their reservation in Oklahoma, with the provision that out of the reservation thus ceded a tract of 80 acres shall be allotted toeach member of the tribe, native or adopted, selections to be made within ninety days after ratification of the same;. . .

By the terms of the agreement concluded with the Tonkawa Indians on October 21, 1891, they cede to the United States their reservation of about 90,710.89 acres. At XLVII.

By terms of agreement with the Wichitas they cede about 574,000 acres of land and are to receive allotments of 160 acres each, and to be paid what Congress may allow. The bill to ratify this agreement is pending in Congress.*

CHEROKEE OUTLET.

The most important agreement negotiated by the Cherokee Commission is that concluded December 19, 1891, with the Commissioners on the part of the Cherokee Nation and ratified by an act of the Cherokee council approved January 4, 1892, whereby that nation cedes its rights, title, and interest in the tract of country known as the Cherokee Outlet. At XLVIII.

. . . the commission which was appointed to treat with the Crow Indians in Montana for the cession of a portion of their reservation, induced these Indians in the agreement concluded with them December 12, 1890,. . .at LIV.

Of the appropriation for 1892, $9,614,898.37 for various cessions of Indian lands is reimbursable to the United States, the lands being subject to homestead entry only, as under the seventh section of the act of February 13, 1891, settlers upon the Iowa and Sac and Fox ceded lands in Indian Territory are required to pay $1.25 per acre in addition to the fees provided by law (26 Stats., 759). Under the sixteenth section of the Indian appropriation act of March 3, 1891, settlers upon the Pottawatomie, Absentee Shawnee, and Cheyenne and Arapaho ceded lands, in Indian or Oklahoma Territory, are required to pay $1.50 per acre in addition to the fees provided by law (26 Stats., 1026). Under the twenty-second section of the same act settlers upon the Coeur d'Aléne ceded lands in



Washington, Idaho, and Montana are required to pay $1.50 per acre in addition to the fees provided by law (page 1031).

Under the twenty-fifth section of the same act, settlers upon the Fort Berthold Reservation in Dakota, ceded by the Arickarees, Gros Ventres, and Mandans, are required to pay $1.50 per acre in addition to the fees provided by law (page 1035). Under the twenty-eighth and thirtieth sections of the same act, religious societies and settlers upon the ceded lands of the Sisseton and Wahpeton bands of Sioux Indians in Dakota are required to pay to the United States $2.50 per acre for the land taken by them (page 1039). Under the thirty-fourth and thirty-fifth sections of the same act, settlers upon the Crow Indian ceded lands in Montana and religious societies are required to pay $1.50 per acre in addition to the fees provided by law for all land taken by them. At LVI–LVII.

## 10A. REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS (1893)

### COMMISSIONS AND NEGOTIATIONS FOR REDUCTION OF RESERVATIONS.

*Shoshone Reservation, Wyoming.*—Under the provisions of a clause contained in the Indian appropriation act approved March 3, 1891 (26 Stats., 1010), the Secretary of the Interior appointed three commissioners to negotiate with the Indians of Shoshone or Wind River reservation in Wyoming for the surrender of a portion of their reserve.

*Pyramid Lake Reservation, Nevada.*—As stated in office report for the year 1892, an agreement was negotiated

October 17, 1891, with the Pah Ute Indians residing upon the Pyramid Lake Reservation in Nevada, for the surrender of the southern portion of the reservation embracing the town of Wadsworth. At 30.

It appears that this agreement was not satisfactory to the Senate; and as the people of Nevada desired further reduction of the Pyramid Lake Reservation and the restoration to the public domain of the entire Walker River Reservation in that State, this office, July 9, 1892, submitted to the Department draft of a bill, in lieu of the bill to ratify the said agreement, which was introduced in the Senate as bill No. 3459. It provided for vacating and restoring to the public domain the entire Walker River Reservation and a greater proportion of the Pyramid Lake Reservation than that ceded in the agreement. At 31.

*Siletz Reservation, Oregon.*—October 1, 1892, an agreement was concluded with the Indians of this reservation, whereby they ceded to the United States, for the sum of $100,000, all their claim, right, title, and interest in and to all the unallotted lands of the reservation, except five sections of timber land, the amount ceded being about 178,840 acres.

*Nez Percé Reservation, Idaho.*—May 1, 1893, an agreement was concluded with the Nez Percés in Idaho, by which they ceded to the United States all their unallotted lands (except some 30,000 acres of timber) for the sum of $1,626,222 and certain other considerations. The agreement has not yet been submitted to you for transmittal to Congress.

*Yankton Reservation, S. Dak.*—The report of the



Yankton Commission, dated March 31, 1893, and filed in the Department May 27, 1893, submitted an agreement concluded with the Yankton Sioux Indians December 31, 1892, by which they ceded to the United States all their surplus lands, some 168,000 acres, for the sum of $600,000 plus $20 for each male adult of the tribe. At 32.

*Cherokee Outlet.*—The agreement with the Cherokee Nation for the cession of all its right, title, and interest in and to the lands known as the "Outlet," concluded December 19, 1891, and ratified by the Cherokee Council January 4, 1892, was ratified and confirmed by Congress March 3, 1893 (27 Stats., 312), . . .It also provides that the ceded unreserved lands in the Tonkawa and Pawnee reservations shall be opened to settlement at the same time that the lands in the Outlet are opened and in like manner. These three agreements for the cession of lands in Oklahoma will result in opening to public settlement under thehomestead laws, and to disposition as school lands, some 6,361,135 acres. At 33.

10B. REPORT OF THE SECRETARY OF THE INTERIOR, H. EXEC. DOC., 53rd CONG., 2d SESS. VOL. 13 (1893-94)

CHEROKEE OUTLET.—A most important work of the General Land Office has been performed since June 30, 1893.

By the act of March 3, 1893, provision was made for the disposal of the lands known as the Cherokee Outlet. The tract of land made subject to disposal under said act embraced an area of 6,500,000 acres. The act of Congress changed, in some respects, the provisions of the original negotiation with the Indians, and before the Department

could take steps to open the land it was necessary to await approval by the Indians of the terms of the act of Congress, and the formal execution of the contract in pursuance thereof. At X.

THE CHEROKEE INDIAN ALLOTMENTS.—The act of Congress providing for the purchase of the Cherokee Outlet also provided for allotments to be made to not more than 70 Indians on account of improvements already placed upon the land to be opened. At XII.

KICKAPOO PURCHASE.—Under an agreement, approved March 3, 1893, allotments are to be made in severalty to the Indians belonging to the Kickapoo tribe. Each allotment is to consist of 80 acres. The population of the tribe numbers 325. The area of the reservation is 206,466 acres. The allotment will soon be completed, and will leave 175,000 acres of magnificient land to be opened for settlement. It is claimed that no land heretofore opened surpasses it in value for agricultural purposes.

COMMISSIONS AND NEGOTIATIONS FOR REDUCTION OF RESERVATIONS.—The Commission to reopen negotiations for the cession of a portion of the Shoshone Reserve in Wyoming failed to reach an agreement with the Indians.

A bill is now before Congress providing for the procurement of the consent of the Indians for the restoration to the public domain of the Walker River Reservation in Nevada; also, the reduction of the Pyramid Lake Reservation to a greater extent than was contemplated in the agreement made with the Pyramid Lake Indians October 17, 1891, which agreement failed of



ratification by the Senate.

An agreement, dated October 1, 1892, with the Siletz Indians in Oregon, ceding for $100,000 about 178,840 acres, was submitted to Congress, but not acted upon.

An agreement with the Nez Percés in Idaho, dated May 1, 1893, for the cession for $1,626,222 of about 542,074 acres, has not yet been transmitted to Congress.

The same is true of an agreement dated December 31, 1892, with the Yankton Sioux, ceding some 168,000 acres for $600,000 plus $20 for each male adult of the tribe. At XXI.

March 3 last, Congress ratified three agreements made by the Cherokee Commission: the agreement of October 21, 1891, made with the Tonkawas in Oklahoma; the agreement of November 23, 1882, with the Pawnees, by which they ceded all their reservation, subject to allotment of lands in severalty, for $1.25 per acre; the agreement of December 19, 1891, with the Cherokees, for the cession of Cherokee Outlet, containing a provision for the making of about seventy allotments thereon. The lands covered by these three agreements were thrown open by Presidential proclamation at 12 o'clock noon, September 16, 1893. They aggregate some 6,361,135 acres.

The Chippewa Commission has succeeded, up to September 1, 1893, in removing 643 Chippewas to the White Earth Reservation; 85 others after removal returned to their former homes. Allotments of 80 acres each have been made at White Earth to 2,209 Indians.

The agreement concluded with the Turtle Mountain Chippewas for the cession of a large tract in North Dakota failed of ratification by the last Congress. At XXI-XXII.

## 11A. ANNUAL REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS (1894)

. . . but of recent years Congress has been in the habit of attaching to this act agreements with various Indian tribes and of ratifying them therein, instead of ratifying them in separate acts, as in former years. This adds to what is called an appropriation for the Indian service large sums which are really payments for lands purchased by the Government primarily for the benefit of its white citizens. At 2.

### ALLOTMENTS AND PATENTS.

The progress made in allotment work since the last annual reports is as follows:

#### ON RESERVATIONS.

Patents issued last year have been delivered to the following Indians:

| | |
|---|---|
| Sisseton and Wahpeton Sioux in North Dakota and South Dakota | 1,339 |
| Medawakanton Sioux on Devils Lake Reservation in North Dakota | 773 |
| Tonkawas in Oklahoma | 73 |

Patents have been issued and delivered to the following Indians:

| | |
|---|---|
| Pottawatomies in Kansas | 151 |
| Pawnees in Oklahoma | 821 |
| Klamath River Indians in California | 125 |
| Iowas in Kansas and Nebraska | 143 |



| | |
|---|---|
| Chippewas, Lac du Flambeau Reservation in Wisconsin (under treaty of 1854) | 85 |
| Chippewas, Bad River Reservation in Wisconsin (under treaty of 1854) | 37 |
| Winnebagoes in Nebraska | 795 |

Allotments have been approved by this office and the Department, and patents are now being prepared in the General Land Office for the following Indians:

| | |
|---|---|
| On Yankton Reservation, South Dakota | 1,171 |
| Siletz Reservation in Oregon | 536 |
| Chippewas of LacCourt d'Oreilles Reservation in Wisconsin (under treaty of 1854) | 118 |
| Chippewas of L'Anse and Vieux de Sert in Michigan (under treaty of 1854) | 176 |

Schedules of the following allotments have been submitted by this office for the approval of the Department:

| | |
|---|---|
| Nez Perces in Idaho | 1,665 |

Schedules of the following allotments have been received in this office, but have not been finally acted upon:

| | |
|---|---|
| Kickapoos in Oklahoma | 276 |
| Yakimas in Washington | 1,851 |

At 19-20.

#### NONRESERVATION INDIANS.

Allotments.—The work of making allotments to nonreservation Indians has been continued in the field by Special Allotting Agent Bernard Arntzen. He has made 361 allotments since receiving his instructions, July 17, 1893. At 23.

AGREEMENTS WITH INDIANS.

*Siletz, Yankton, and Nez Perces.*—The agreement concluded with the Siletz Indians in Oregon, October 1, 1892, that with the Yankton Sioux in South Dakota, concluded December 31, 1892, and that with the Nez Perces in Idaho, concluded May 1, 1893, referred to in my last annual report, were ratified by the act of Congress approved August 15,1894—the Indian appropriation act. Under these agreements some 880,000 acres of land will be restored to the public domain for disposition as provided in said act. At 26.

Pyramid Lake and Walker River.—That agreement has not been ratified, but Senate bill No. 99, Fifty-third Congress, second session, now pending, provides for vacating and restoring to the public domain the entire Walker River Reservation, and also a portion of the Pyramid Lake Reservation, which portion embraces a larger extent of territory than it included in the agreement. At 26-27.

11B. REPORT OF THE SECRETARY OF THE INTERIOR (1894) H. EXEC. DOC., 53rd CONG., 3rd SESS. VOL. 14 (1894-95)

There are two means chiefly relied upon—education and allotments of land in severalty.

I do not question the advisability of allotting land to Indians in severalty, but I do most seriously question the propriety of this course before the Indians have progressed sufficiently to utilize the land when taken. The allotments should be made to the Indians in severalty for the good of



the Indians, forthe advancement of the Indians, not for the purpose of obtaining land connected with the Indian reservation to satisfy the insatiable desire of border men, who obtain it frequently, not for homes, but for speculation.

I urge a treatment of Indian land based solely upon the purpose of realizing from it for its owners the highest possible value. What is best for the Indians—to keep their land or to sell it? If the members of a tribe have reached a state sufficiently civilized to be able to progress still further by selling a portion of their land, then sales should be made; but the land should not be purchased from the Indians at the best bargain the United States can make. It should be sold for the Indians by the United States, the Department acting as a faithful trustee, and obtaining for the Indians every dollar the land will bring.

The policy of the Government and of the Department should be to recognize the land of the Indian reservation as the property of the particular Indians who own it. The different lands should be studied to see how best their value can be increased, and how they can be rendered most profitable. There are ample public lands in the United States for home-seekers; can we not be satisfied to allow to be administered in behalf of the Indians the little we have left them? At III-IV.

ALLOTMENTS AND PATENTS.—The progress made in allotment work since the last annual report is as follows:

ON RESERVATIONS—Patents issued last year have been delivered to the following Indians:

Sisseton and Wahpeton Sioux in North Dakota and South Dakota . 1,339
Medawakanton Sioux on Devils Lake Reservation in North Dakota . 773
Tonkawas in Oklahoma . . . . . 73

Patents have been issued and delivered to the following Indians:

Pottawatomies in Kansas . . . . . 151
Pawnees in Oklahoma . . . . . 821
Klamath River Indians in California . . . . . 125
Iowas in Kansas and Nebraska . . . . . 143
Chippewas, Lac du Flambeau Reservation in Wisconsin (under treaty of 1854) . . . . . 85
Chippewas, Bad River Reservation in Wisconsin (under treaty of 1854) . . . . . 37
Winnebagoes in Nebraska . . . . . 795

Allotments have been approved by the Indian Office and the Department, and patents are now being prepared in the General Land Office for the following Indians:

On Yankton Reservation, South Dakota . . . . . 1,171
Siletz Reservation in Oregon . . . . . 536
Chippewas of Lac Court d'Oreilles Reservation in Wisconsin (under treaty of 1864) . . . . . 118
Chippewas of L'Anse and Vieux de Sert in Michigan (under treaty of 1854) . . . . . 176

Schedules of the following allotments have been submitted by the Indian Office for the approval of the Department:

Nez Perces in Idaho . . . . . 1,665

Schedules of the following allotments have been received in the Indian Office, but have not been finally acted upon:

Kickapoos in Oklahoma . . . . . 276
Yakimas in Washington . . . . . 1,851

At VIII-IX.

AGREEMENTS.—The agreements concluded in 1892 and 1893 with the Nez Perces, Yankton Sioux, Yuma, and



Siletz Indians, were ratified by the last session of Congress, and will result in restoring to the public domain some 921,000 acres of land. At IX.

The opening of the Cherokee Outlet, by which 6,500,000 acres of land were added to the public domain, was fully treated in last year's report, although the actual opening occurred during the present fiscal year. At XXXIX.

OPENING THE INDIAN RESERVATIONS.—The governor is of the opinion that the allotment to the Indians, in severalty, of certain of the lands embraced within the Uintah and Uncompahgre reservations, and the opening for settlement and sale of the remaining lands, will prove of untold advantage and wealth to the new State. At XL.

12A. REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS, H. EXEC. DOC. 54TH CONG., 1ST SESS. VOL. 15 (1895-96).

You will notice that for three successive years the appropriations for Indian education have been reduced.

There are over a quarter of a million Indians in the United States, and the unquestioned policy of the Government is their civilization and final absorption into the great body of the nation. At 16.

OPENING OF CEDED LANDS.

May 16, 1895, the President issued proclamations opening to settlement the surplus lands in the following

reservations: Kickapoo, Okla., Siletz, Oreg., and Yankton, S. Dak. This was in accordance with the agreements with the respective Indians, ratified, the first by the act of Congress approved March 3, 1893 (27 Stats., 557), and the last two by the act approved August 15, 1894 (28 Stats., 286). The Kickapoo Reservation was opened May 23, 1895, the Yankton May 21, 1895, and the Siletz July 25, 1895.

The checks for the first payment to the Nez Perces (except in cases where payment is suspended for letters of guardianship, etc.) have been transmitted to the agency for delivery to the Indians entitled thereto; also 1,575 patents to be delivered to allottees. This is in accordance with the agreement ratified by the act of August 15, 1894 (28 Stats., 286). It is expected that all preliminary requirements of the agreement will be complied with so as to permit the opening of the ceded lands by October 1, if the Department so desires. At 24.

Unitah and Ouray reservations, Utah.—Section 20 of the Indian appropriation act approved August 15, 1894 (28 Stats., 286), authorizes the President to appoint a commission of three persons to allot in severalty to the Uncompahgre Indians within their reservation in the Territory of Utah agricultural and grazing lands according to the treaty of 1880 (21 Stats., 200). Said section also requires the commissioners, as soon as practicable after their appointment, to report to the Secretary of the Interior what portions of the reservation are unsuited or not required for allotments, "and thereupon such portions so reported shall, by proclamation, be restored to the public domain and made subject to entry."



Section 21 provides that the remainder of the lands on that reservation shall, upon the approval of the allotments by the Secretary of the Interior, be immediately opened to entry under the homestead and mineral laws of the United States. At 32.

## 12B. REPORT OF THE SECRETARY OF THE INTERIOR H. DOC. 54th CONG., 1st SESS. VOL. 14 (1895-96)

The appropriation for 1895 contained various sums, aggregating $4,017,482.85, for payments for lands purchased from Indian tribes; . . .at VII.

The area of public lands undisposed of at the close of the fiscal year amounted to 599,083,495 acres. This aggregate does not include Ohio, Indiana, and Illinois, in which a few isolated tracts may remain. It is also exclusive of Alaska, containing approximately 370,000,000 acres, and military and Indian reservations, reservoir sites, and timber reserves, which may in the future be added to the public domain. At XVII.

## 13A. ANNUAL REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS (1876)

### OPENING OF CEDED LANDS.

The ceded lands within the Nez Perces Reservation in Idaho were opened to settlement November 18, 1895, by proclamation of the President, dated November 8, 1895. At 29.

Crow, Flathead, Northern Cheyenne, Fort Hall, Uintah, and Yakima.—The Indian appropriation act for the current fiscal year authorizes the appointment by the Secretary of the Interior of a commission to consist of three persons, not more than two of whom shall be of the same political party and not more than one of whom shall be resident of any one State, to negotiate with the following Indians, viz: The Crow and Flathead Indians in Montana for the cession of portions of their respective reservations; the Northern Cheyennes and Crows for the removal of the Northern Cheyennes from their present reservation on the Rosebud River to the southern portion of the Crow Reservation; the Indians of the Fort Hall Reservation in Idaho, the Uintah Reservation in Utah, and the Yakima Reservation in Washington, for the surrender of any portions of their respective reservations, and for such modification of existing treaties with them as may be deemed desirable by the Indians and the Secretary of the Interior; any agreement thus negotiated to be subject to ratification by Congress. At 32.

## MINERAL ENTRIES ON THE NORTH HALF OF COLVILLE RESERVATION, WASH.

By the act of Congress which became law without the President's approval on July 1, 1891 (27 Stat. L., 62), it was provided that after the lands should have been surveyed and allotments made to the Indians who elected to remain on the north half of the Colville Reserve, that portion of the reservation should, by proclamation of the President, be restored to the public domain, and be



disposed of under the general laws applicable to the disposition of public lands. As the required surveys havenot been completed such Executive proclamation has not yet been issued.

However, the opinion has prevailed among settlers and miners in that locality that there were valuable mineral deposits, particularly of gold, in the north half of that reserve. Congress accordingly anticipated the Executive action provided for in the aforesaid act of July 1, 1891, by passing the act approved February 20, 1896 (29 Stat. L., 9), which authorized mineral locations and entries at once on that portion of the reserve. At 83.

13B. REPORT OF THE SECRETARY OF THE INTERIOR (1896) H. EXEC. DOC. 54TH CONG., 2d SESS. VOL. 12 (1896-97).

The public domain is under the charge of the General Land Office, and has been since the creation of that Bureau in 1812. At V.

The national domain is the whole area, land and water, lying within the national boundaries known as the United States.

The public domain, or public lands—the property of the nation, and subject to legislative control and disposition by Congress alone—is the area known as public lands acquired by treaty, capture, cession by States, conquest orother acquisition, and purchase. At VI.

It is also exclusive of military and Indian reservations, reservoir site and timber reservations, and tracts covered

by selections, filings, railroad grants, andclaims as yet unadjudicated, a part of which may in the future be added to the public domain. At VII.

The estimated area of all existing Indian reservations on the public domain is 84,418,562 acres, . . .at X.

CHIPPEWA LANDS IN MINNESOTA.– –The act of January 14, 1889 (25 Stat. L., 642), made provisions for obtaining the cession of the greater part of the reservations occupied by the Chippewa Indians in the State of Minnesota, for the examination of the ceded lands for the purpose of classifying them as either "pine" or "agricultural" lands, and for the disposition of the two classes of lands.

The reservations coming within the provisions of the act are twelve in number, and the ceded portions thereof are estimated to embrace 3,500,000 acres, . . .at XX.

The territory now occupied by the Indians in this country is estimated at about 85,000,000 acres, ample for their needs,. . .at XXXVI.

Opening of Ceded Lands.– Ceded lands within the Nez Perce's Reservation in Idaho were opened to settlement November 18, 1895, by Presidential proclamation. At XLII.

## COMMISSIONS.

The Crow and Flathead Indians in Montana for the cession of portions of their respective reservations; the Northern Cheyennes and Crows for the removal of the Northern Cheyennes from their present reservation on the



Rosebud River to the southern portion of the Crow Reservation; the Indians of theFort Hall Reservation in Idaho, the Uintah Reservation in Utah, and the Yakima Reservation in Washington, for the surrender of any portions of their respective reservations, and for such modification of existing treaties with them as may be deemed desirable by the Indians and the Secretary of the Interior; any agreement thus negotiated to be subject to ratification by Congress. At XLVI & XLVII.

## THE UNCOMPAHGRE INDIAN RESERVATION.

A commission was appointed to allot the lands, and was instructed to inform the Secretary of the Interior what portion of the Uncompahgre Reservation in Utah was not required for allotment or was unfit for agricultural uses, in order that the same might be restored to the public domain and opened for settlement. That commission was duly appointed, but had difficulty in finding sufficient agricultural lands within the reservation to make the allotments, and was totally unsuccessful in persuading the Ucompahgres to agree to pay $1.25 per acre for the same. At XLVIII.

MineraL Entries on the North Half of Colville Reservation, Wash.– The act of Congress, approved February 20, 1896 (29 Stat. L., 9), authorized mineral entries on the north half of the reserve. Subsequently complaints were entered that placer claims were being staked off on the lands which were inclosed with fence and cultivated by Indians, merely for the purpose of getting a foothold on the reservation. It was also claimed that there was very little if any mineral on the lands. A special agent of the General Land Office was directed to investigate the

matter, and in his report he stated that none of the lands on the northern portion of the reservation claimed and improved by Indians contained minerals in such quantities thatthey could be profitably mined, and that none of them could be classed as mineral lands. Accordingly, the register and receiver of the United States land office at Spokane, Wash., were, on the 5th of August, 1896, instructed to accept no applications to make mineral entries of any agricultural or grazing lands on the Colville Reservation which is claimed by Indians upon which they have improvements and to exercise the greatest care to protect Indian occupants of land in that reservation. At LVII-LVIII.

By the treaty of 1880 with the confederated bands of Ute Indians in Colorado the whole of their reservation in that state, containing over 10,000,000 acres, was ceded to the United States for $1,250,000, or about 12½ cents per acre, which was about the price per acre received by them for the block of nearly 4,000,000 acres previously cut out ofthe reservation in the cession under what is known as the Brunot treaty of 1873; and said bands, except the Southern Utes, who were otherwise provided for, agreed to take allotments of lands in severalty, paying for the same $1.25 per acre, on the Grand River near the mouth of the Gunnison, if a sufficiency of land for the purpose could be had there; if not, the residue were to be supplied with lands at the stipulated price over the line in Utah. At CXLVI.

14A. REPORT OF COMMISSIONER OF INDIAN AFFAIRS (1897)

ANNUAL REPORTS OF THE DEPARTMENT OF INTERIOR (1897)



NEGOTIATIONS WITH INDIAN TRIBES.

Shoshone Reservation, Wyoming; Big Horn or Owl Creek Hot Springs.– At 34.

The lands in the vicinity ofthe springs, although very picturesque, are of little value, being broken, rugged, and arid. It was therefore decided to secure, if possible, the cession of a considerable tract, with a view to establishing a national park or reservation in connection with the springs, and the inspector was instructed to negotiate, should the Indians be found willing to cede, for a tract about 10 miles square, constituting the northeastern portion of the reservation,. . .

April 21, 1896, Inspector McLaughlin reached an agreement with the Indians, by the terms of which they ceded the tract just described, estimated to contain about 86 sections (55,040 acres). At 35.

As stated in the last annual report of this office, bills were introduced during the first session of the last Congress having in view a more stringent and unequivocal restriction of the sale of liquors to Indians; especially to include among those with whom the traffic is prohibited Indians who have been given allotments in severalty and have been made citizens of the United States, but who remain for a time under the guardianship and care of the Government; also to extend the prohibition against the introduction of intoxicating liquors into theIndian country so as to make it cover allotted lands which are held in trust by the United States or that are held by the Indians without the right of alienation. The act, approved by the President January 30, 1897 (29 Stat., 506), is of unusual

importance to the service, and sets at rest questions on which thecourts of the different districts could not agree, namely, whether the law applied to punish parties who introduced intoxicating liquors within an Indian allotment or who furnished them to an Indian allottee. I therefore deem it expedient to quote the law in full, as follows: at 56.

The portions of the Blackfeet and Fort Belknap reservations ceded by the agreements of September 26, 1895, and October 9, 1895, respectively, and ratified by the act of June 10, 1896, have not yet been opened to settlement. The survey of the ceded portion of theFort Belknap Reservation has been completed and the work of surveying the Blackfeet boundary is now in progress. At 80.

SIR: In compliance with your instructions, I have the honor to submit this my first annual report for the fiscal year ending June 30, 1897.

I assumed charge of this agency on the 1st day of July, 1897, and owing to the short time I have been here my report will necessarily be brief, relating facts and conditions coming under my general observation.

I am frank in saying that I was very much surprised to find that the affairs at this agency have been carried on apparently in an unbusinesslike manner. The buildings at the agency and school have the appearance of willful neglect; not a building on the agency but what leaks during an ordinary shower. It has been necessary since my arrival here to cause a great deal of valuable time to be taken up in removing the debris and refuse from the premises in order to better the sanitary conditions of the surroundings.

The agency is beautifully located upon a tract of land containing 130 acres and situated on the eastern slope of the Coteau Hills. This small tract is insufficient for conducting the affairs of the agency in a proper manner and for the protection and safety of Government property. A tract ofnot less than a section of land should have been reserved.

Besides the Government buildings located on the agency there is one general store, owned by a white man, who is not a licensed trader, but is merely allowed to conduct his business at the sufferance of the Government. * * * at 279.

## 14B. REPORT OF THE SECRETARY OF THE INTERIOR H. EXEC. DOC. 55TH CONG., 2D SESS. (1897-98)

NEGOTIATIONS WITH INDIAN TRIBES.– By an item in the



current Indian appropriation act, Congress ratified the agreement of April 21, 1896, with the Indians of the Wind River Reserve, Wyo., by which they ceded to the United States a 10-mile square tract constituting the northeastern portion of their reservation. At the same time Congress transferred to the State of Wyoming a square mile of the ceded tract, which contained the Big Horn Hot Springs, and provided that the remainder should become a part of the public domain.

A commission has been negotiating for cessions of land with the Indians of the Fort Hall, Idaho, and Yakima, Wash,. reservations, but has concluded no agreements. At XXIX.

Sale of Liquor to Indians.– By the act of January 30, 1897, it was made unlawful to dispose of intoxicating drinks of any kind in any way to any Indian who is under the charge of an Indian agent, or under the guardianship of the Government, or who has received an allotment of land to which the Government still holds the trust title. At XXXIII-XXXIV.

Blackfeet and Fort Belknap Reserves, Mont.– The portions of the Blackfeet and Fort Belknap reservations ceded by the agreements of September 26, 1895, and October 9, 1895, respectively, and ratified by the act of June 10, 1896, havenot yet been opened to settlement. The survey of the ceded portion of the Fort Belknap Reservation has been completed and the work of surveying the Blackfeet boundary is now in progress. At XXXVIII.

## 15A REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS. (1898).

February 5, 1898, the commission submitted to the Department an agreement made with the Indians residing on the Fort Hall Reservation, Idaho, for the cession of a portion of their surplus lands.

The commission also concluded an agreement with the Uintah and White River Utes by which they sold, ceded, and relinquished to the United States necessary lands for the use of such of the Uncompahgre Utes as might conclude to remove to the Uintah Reservation. At 34.

Uintah Commission.– July 14, 1898, Messrs. Erastus R. Harper, Ross Guffin, and Howell P. Myton, members of the Uncompahgre Commission, were appointed commissioners to allot lands to Indians upon the Uintah Reservation in Utah, and to negotiate for the cession of the lands remainig unallotted under the provisions of the act of June 4, 1898 (30 Stats., p. 429). At 36.

Colville Reservation, Wash.–*Kettle River Valley Railway Company.*– By act of Congress of June 18, 1898 (30 Stats., 475, and p. 423 of this report), the above-named company was granted right of way through the north half of the Colville Reservation, subject to the provisions of the act of Congress of March 3, 1875 (18 Stats., 482). At 63.

Sioux Reservation, S. Dak.–*Chicago, Milwaukee and St. Paul Railway Company.*–By act of Congress of June 25, 1898 (30 Stats., 748), the Secretary of the Interior is authorized and directed to return and refund to the



above-named company the sum of $15,335.76, deposited by the company with this Department in payment for right of way and depot grounds through certain lands which were afterwards ceded to the United States, and which lands the company claimed that it had never secured or used. At 67.

## TURTLE MOUNTAIN CHIPPEWAS, NORTH DAKOTA.

A bill (House 9282) was introduced during the last session of Congress referring to the Court of Claims the claim of these Indians for payment for about 9,000,000 acres in North Dakota which they declare have never been ceded by them. At 96.

## BOUNDARY OF KLAMATH RESERVATION, OREG.

July 15, 1898, I recommended that the Commissioner of the General Land Office be instructed to cause the boundary lines of the reservation to be surveyed in accordance with the provisions of the treaty of October 14, 1864, as ascertained by the commission named above. I also recommended that the deputy surveyor be instructed not to establish any permanent monuments except such as may be necessary to replace those that have been obliterated on that portion of the established line which coincides with the line determined by the commission. The lands outside the established boundaries have been opened to public settlement and entry, and to a considerable extent are occupied by settlers who have acquired title. Therefore permanent monuments on that part of the line which does not coincide with the established

boundary would be worthless and confusing. It is not proposed to disposses these settlers, who are in no way at fault, but to compensate the Indians for thelands lying between the boundaries established by the approved but erroneous survey, and those determined by the commission to be the correct boundaries intended by the treaty. The only possible object in surveying the latter boundaries is to ascertain the correct area of the lands erroneously excluded from the reservation. At 104 & 105.

15B. REPORT OF THE SECRETARY OF THE INTERIOR H. EXEC. DOC., 55TH CONG., 3d SESS. (1898-99).

COMMISSIONS. At XXVIII.

THE CHIPPEWA INDIANS OF MINNESOTA.

The act of Congress approved January 14, 1889 (25 Stat. L., 642) entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," provides for the appointment of a commission to negotiate with the different bands or tribes of Chippewa Indians in Minnesota for the complete cession of all these reservations in Minnesota, except the White Earth and Red Lake reservations and of so much of the latter as is not required for allotments to the Indians; . . .at XXXI.

UNCOMPAHGRE AND UINTAH INDIANS AND COMMISSIONS.

In preparation for the opening of the Uncompahgre Reservation to settlement, Congress directed that the Uncompahgres should receive allotments so far as possible on their own reservation, and the remainder on the



adjoining Uintah Reservation or elsewhere in the State of Utah. At XXXVII.

Indian Territory under the Curtis Act.– On June 28, 1898, there was approved an act of Congress entitled, "An act for the protection of the people of the Indian Territory, and for other purposes." (30 Stat., 495.) This legislation made many material and radical changes in the relations of the several tribes of Indians in the Indian Territory to the Government ofthe United States.

The first ten sections of said act relate to civil and criminal proceedings in the United States courts for said Territory regarding the rights of those claiming membership in the Five Civilized Tribes, and also granting to noncitizens certain privileges in respect of a certain amount of land in their possession under agreement with either of said tribes, or any citizen thereof, made prior to January 1, 1898. At XXXIX.

Irrigation.–When the work is completed the Indians can receive allotments, and will doubtless be willing to cede part of their reserve. At XLVI & XLVII.

16A. ANNUAL REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS (1898-1899)

The reservation system of the United States was the necessary outcome of conditions prevailing between the whites and Indians in the settlement and development of the country. The Government was forced to deal with large bandsof Indians who were gradually driven back as the borders of civilization were extended, while the busy hum of industry began to be heard where all had been

stillness under the ownership of this people. Angry and revengeful, their predatory attacks were inimical to the best interests of the settlers; therefore two alternatives presented themselves—extermination or absolute control. Humanitarian principles prevailed, and the latter was accepted. Hence as a matter of military and commercial necessity the Indians were placed upon tracts of land reserved and set apart for their benefit, where they could be at all times under proper and efficient surveillance. Deprived in course of time of the game upon which they had formerly subsisted, the Government gave freely for their support. Such assistance was not intended as a perpetual mortgage upon their own exertions, but just so soon as the tribes ceased to be formidable it was and is the policy that they must begin to rely upon their own labors, being forced to understand that those who eat must also work. The reservation was not intended as a place where these savages could be merely disarmed, nor to surround them with a wall to be built each year higher and higher by their own pauperism and idleness, forever to debar them from active participation in the duties of life and citizenship; nor were they to be permitted to wander as vagabonds, gypsy-like, over the country, a nuisance to the people and themselves, dependent upon public charity. Fitted neither by heredity nor education to be the architects of their own destiny through the medium of manual labor, as all such people must be, it was necessary that they should be placed upon these reservations, not for the purpose of forming or re-forming the gnarled and knotted character of the old Indian seasoned by generations of warfare and antagonism, but to prevent him from interfering while the Government could secure the necessary time to mold the individualism of his children under the enlightened influence of schools established for



their benefit.

When this result has been accomplished the necessity for Indian reservations will cease. It is therefore essential that the education of the present generation of young Indians shall be along this line, which will prepare them to take and properly appreciate their share of the common land belonging to themselves and parents when the same is allotted in severalty. This being the goal, the danger in the system lies in its being delayed too long. While it is true the best and most permanent results are only looked for from the education of the young, yet the older ones can not be neglected, so the gospel of work is preached to parents as well as to their children. At 6-7.

## COMMISSIONS.

An agreement was concluded on August 14, 1899, with the Indians of the Crow Reservation by the terms of which they cede to the United States the northern portion of their reserve, estimated to contain 1,137,500 acres, for which $1,150,000 is to be paid, or about $1.03 per acre. Of the tract ceded the commission says 21,000 acres should be deducted to cover railroad rights of way and present allotments, thus leaving the net acreage ceded 1,116,500. Of the latter area 200,000 acres, lying along the Big Horn and Yellowstone rivers, are said to be susceptible of irrigation, the balance being excellent grazing land and containing some timber.

The agreement provides for the use of about one-half thepurchase money for the completionand maintenance of the irrigation system; for the purchase of stock cattle and sheep; for a hospital and its maintenance; for schools; for

fencing the reservation; for mills, etc. The balance of the principal sum is to be placed in the Treasury of the United States as a trust fund, the same to bear interest at the rate of 4 per cent per annum, such interest to be added to the principal each year. A cash annuity payment of $12 per capita is to be made to all the Indians having rights on the reservation.

The agreement must, of course, be ratified and confirmed by Congress before it becomes effective.

As stated in my last report, this commission, which has been in the field continuously since its appointment, August 31, 1896, concluded two agreements last year—one with the Indians of the Fort Hall Reservation, Idaho, dated February 5, 1898, providing for a cession of a portion of their reservation to the United States, and one with the Indians of the Uintah Reservation in Utah, dated January 8, 1898, providing forthe cession of lands for allotments to the Uncompahgre Utes. Both of these agreements were transmitted to Congress, with recommendation for favorable action, but neither of them has yet been ratified. At 32-33.

June 24, August 31, and October 31, 1898, the Uncompahgre commission submitted to this office schedules of 295 allotments made to the Uncompahgre Indians. Each of these schedules embraced allotments on both the Uncompahgre and Uintah reservations; but only one schedule was rendered in duplicate.

By the act of June 7, 1897 (30 Stats., 62), all the lands in the Uncompahgre Reservation remaining unallotted on Apirl 1, 1898, became open on that date for



location and entry. But none of the allotments on that reservation had been made prior to that date. Therefore, by the act of March 1, 1899 (30 Stats., 924), the Secretary of the Interior was authorized, in his discretion, to approve 83 allotments made to the Uncompahgres within the former Uncompahgre Reservation in Utah after April 1, 1898, and to issue patents therefor, as provided by existing law. At 43-44.

Colville Reservation, Wash.—October 11, 1898, instructions for the guidance of Harry Humphrey, who had been appointed a special agent to make allotments on the north half of the Colville Reservation, under the act of July 1, 1892 (27 Stats., 62), were submitted to theDepartment. They were approved October 12, 1898, and shortly afterwards he entered upon duty. September 30, 1899, he reported that he had made 264 allotments. At 45.

Quapaw Reservation, Ind. T.— One farming lease for the period of one year. The consideration is $2 per acre.

Round Valley Agency, Cal.— One farming and grazing lease has been executed upon which no action has been taken.

Sac and Fox Agency, Okla.—Thirty-two farming and grazing leases by the Absentee Shawnee allottees, 23 by the Pottawatomies, 44 by the Sacs and Foxes, 17 by the Iowas, and 25 by the Kickapoos; also six residence and business leases by the Sac and Fox Indians. The length of term is from one to three years. Theconsideration ranges from 17 cents per acre per annum for grazing lands to $3 for the best farming lands. The average price for raw,

unbroken lands is about 75 cents per acre. In the majority of cases the lessees are to place certain small inprovements on the lands, such as fences, etc. The residence and business leases are for the term of one year. The consideration is $10 for 50 by 150 square feet. Eight leases have been executed upon which no action has been taken.

Siletz Reservation, Oreg.– Two grazing leases. The terms areone and three years. The consideration is 79 and 41 cents per acre per annum, respectively.

Sisseton Agency, S. Dak.–Forty-nine farming and grazing leases. The term is three years. The consideration ranges from 19 cents to 93 cents per acre per annum.

Umatilla Agency, Oreg.–Forty-one farming and grazing leases–21 by the Cayuse, 14 by the Walla Walla, and 6 by the Umatilla allottees. The terms are from one to three years. The consideration ranges from 70 cents to $2.68 per acre per annum.

Yakima Agency, Wash.– Nine farming and grazing leases for the term of three years. The consideration ranges from $1 to $1.75 per acre per annum.

Yankton Agency, S. Dak.–One hundred and forty-five grazing leases for the term of three years. The consideration paid for grazing lands at this agency is low, generally 10 cents per acre per annum, but some few pieces are leased for 12½ and 15 cents. At 59.

The most important matter of legislation during the past year in connection with railroads across Indian lands was the passage of the act of Congress of March 2, 1899



(30 Stat., 990, and p. 505 of this report). The act provides that any railway company duly organized under the laws of the United States or under the laws of any State or Territory, may acquire right of way through Indian reservations, Indian lands, and Indian allotments by complying with its terms and with the rules and regulation of this Department prescribed thereunder. At 63.

Colville Reservation, Wash.–*Washington Improvement and Development Company.*–By act of Congress approved June 4, 1898 (30 Stats., 430), the above-named company was granted right of way through the Colville Reservation, beginning at a point on the Columbia River near the mouth of Sans Poil River; running thence in a northerly direction to a point in township 37 north, of range 32 east, Williamette meridian; thence northerly to a point near the mouth of Curlew Creek; thence northerly to the international boundary line between British Columbia and the State of Washington, subject to the usual conditions. Three maps of definite location of the company's line of road through said reservation, commencing at the southerly end of Curlew Lake and extending in a general southerly end of Curlew Lake and extending in a general southerly direction to the Columbia River near the mouth of Sans Poil River, have been approved by the Department. At 74.

## NEEDED PUBLICATIONS ON INDIAN MATTERS.

For many years there has been an increasing demand upon this office for a publication containing all ratified treaties and agreements made between the various Indian tribes and the United States. Such a work would be very

valuable for reference by the Executive Departments of the Government, by the Indian committees in Congress when considering legislation affecting Indian tribes, and also by the several Indian tribes themselves, who are yearly becoming more intelligent and desirous of obtaining information as to what lands their forefathers occupied and claimed, and how and when they were ceded to the Government. At 75.

## BOUNDARY OF KALMATH RESERVATION, OREG.

By a clause in the Indian appropriation act of July 1, 1898 (30 Stat., 592), Congress provided for a resurvey of the exterior boundaries of the reservation in accordance with the treaty, and directed the Secretary of the Interior to negotiate with the Indians through an Indian inspector for the relinquishment of their right and interest in a portion of the reservation, and also to ascertain what portion of the reservation is occupied by citizens of the United States, for what purpose and under what title.

Indian Inspector W.J. McConnell, who was charged with these duties, concluded an agreement with the Indians December 27, 1898.

By that agreement the Indians convey to the United States all their claim to that part of the Klamath Reservation lying between the boundaries as described in the treaty, which were also confirmed by the Klamath boundary commissioners, and the boundaries established by the survey made in 1871 under the authority of the General Land Office, approximating 617,490 acres.



The United States agrees, in consideration of said cession, to pay the Indians the sum of $533,270, or 86.36 cents per acre for the quantity of land that may be found by the resurvey to be within said boundaries. This amount, more or less, after payment of the legal fees of attorneys, is to be deposited in the Treasury of the United States, and interest thereon at the rate of 5 per cent per annum to be paid the Indians annually per capita. At 138 & 139.

## 16B. REPORT OF THE SECRETARY OF THE INTERIOR, EXEC. DOC. 56TH CONG., 1ST SESS. (1899-1900).

The entire educational system of the Indian Bureau contemplates the ultimate abolishing of Indian reservations. At. XXVII.

Allotment work is being pushed on the Colville Reservation, Wash. At XXXII.

## RAILROADS ACROSS RESERVATIONS.

Authority for railroad lines has been granted by the Department as follows:. . .Chicago, Milwaukee, and St. Paul Railroad, through Yankton Reservation. At XXXIV.

Needed Publication on Indian Matters.—For many years therehas been an increasing demand for a publication containing all ratified treaties and agreements made between the various Indian tribes and the United States. Such a work would be very valuable for reference by the Executive Departments of the Government, by the Indian committees in Congress when considering legislation affecting Indian tribes, and also by the several Indian tribes themselves, who are yearly becoming more intelligent and

desirous of obtaining information as to what lands their forefathers occupied and claimed and how and when they were ceded to the Government. At XXXV.

Boundary of Klamath Reservation, Oreg.—By an erroneous survey of the outboundaries a large area was excluded from the Klamath Reservation as established by the treaty of 1874, and upon this tract white families have settled. Against this wrong the Indians have continuously protested. Finally, a commission to investigate was authorized by Congress in 1896, whose findings gave the excluded area as 617,490 acres, valued at 86.36 cents per acre, or $533,270. In the Indian appropriation act of July 1, 1898, Congress authorized a resurvey and negotiations with the Indians for the cession of a portion of their reservation.

An agreement was concluded with them December 27, 1898, in which they surrendered this tract, approximating 617,490 acres, for 86.36 cents per acre, the exact amount to be determined by resurvey. At XLVII.

17A. REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS. H. EXEC. DOC. 56th CONG., 2d SESS. (1900-01).

Of the 45,270 receiving daily rations from the Government, 17,876, or nearly two-fifths, belong to the great Sioux Nation, known as the Sioux of different tribes, located in North and South Dakota. These Indians are not included in the foregoing list, as their case is different from the others in that the rations and the conditions under which they are to be given are specifically named in the agreement of 1876, ratified by the act of February 28,



1877. That agreement, in consideration of the cession of certain territory and rights, obligates the United States to provide the Indians with subsistence consisting of a ration for each individual ; . . . at 6.

NONRESERVATION ALLOTMENTS.

Washington.— Special Allotting Agent William E. Casson was engaged in allotment work on the north half of the Colville Reservation fromJuly, 1899, until early in January of the present year. At 56.

Yankton Sioux Indian Lands, South Dakota.—*Chicago, Milwaukee and St. Paul Railway Company.* October 17, 1899, the Department approved thecompany's map of definite location of its line of road through the allotted lands of the Indians of the former Yankton Reservation, S. Dak. September 8, preceding the approval of the map, the Department designated Agent Harding of the Yankton Agency to act with and for the allottees in negotiating amicable settlements with the company for right of way through their respective allotments. November 28, 1899, the Department approved the schedule of damages for right of way through the lands of the Indians as assessed by Agent Harding. At 100-101.

Colville Reservation, Wash.—*Washington Improvement and Development Company.*— Mention is made in the last annual report of the approval by the Department of three maps of definite location ofthe company's line of road through said reservation, commencing at the southerly end of Curlew Lake and extending in a general southerly direction to the Columbia River, near the mouth of Sans Poil River. November 27,

1899, the Department approved two maps of definite location showing the remainder of the line of the road through the Colville Reservation. The line of road as shown upon said maps commences at the southerly end of Curlew Lake and extends in a general northerly and northwesterly direction to the international boundary line between the United States and British Columbia, a distance of 30.98 miles. No action has been taken in the matter of settlement of damages for right of way of the company through the reservation. At 101.

## RATIFICATION OF FORT HALL AGREEMENT.

June 6, 1900 (31 Stats., 672), Congress ratified the agreement entered into with the Indians of the Fort Hall Reservation, Idaho, by the Crow, Flathead, etc., Commission, on February 5, 1898. By the terms of that agreement about 400,000 acres of land are ceded to the United States, in consideration for which the Indians are to receive $600,000, of which $75,000 is to be expended by the Secretary of the Interior in the erection of a modern school plant, and the balance is to be paid to them in ten annual installments—the first one to be $100,000, the next eight $50,000 each, and the last $25,000. The first installment of $100,000 is now being paid to the Indians, the agent being assisted in making the same by Special Agent Samuel L. Taggart.

Article 3 of the agreement provided thatthe Indians who reside on the lands ceded might remain thereon and receive allotments of the lands occupied and improved by them, or remove to the diminished reservation, as they might elect. Section 4 of the act ratifying the agreement



provides that before any of the lands ceded shall be thrown open to settlement the Commissioner of Indians Affairs shall cause allotments to be made to the Indians who may desire them. Where Indians prefer to remove within the limits of the reduced reservation, it provides that the Commissioner of Indian Affairs shall cause a schedule of the lands abandoned to be prepared, giving a description of the improvements and the names of the Indian occupants, and before any entry shall be allowed of the lands so scheduled the Secretary of the Interior shall cause the improvements thereon to be appraised and sold to the highest bidder, no sale to be for less than the appraised value. The purchaser of such improvements is to have a preference right of thirty days within which to make an entry of the lands upon which the improvements purchased are located.

The work of making the allotments has been assigned to the United States Indian agent for the Fort Hall Agency, A.F. Caldwell, and he is now engaged in making them in compliance with instructions dated July 11, 1900, and August 15, 1900. United States Indian Inspector W.J. McConnell has been detailed to make the appraisement of the improvements on the ceded lands of the Indians who elect to remove to the diminished reservation. At 102-103.

## 7B. REPORT OF THE SECRETARY OF THE INTERIOR, ANNUAL REPORT OF THE DEPARTMENT OF INTERIOR (1900).

The Puyallup commission has, under authority contained in the act of May 31, 1900, continued to superintend the sales of lands on the Puyallup Reservation, which consists of allotted lands and an agency tract. At

XIX.

Allotments have been approved by the Department as follows:

Colville Reservation, Wash. . . . . 646
at XX.

Ratification of Fort Hall Agreement.—This agreement concluded with a commission February 5, 1898; was ratified by Congress at its last session. The Indians ceded 400,000 acres for $600,000—$75,000 to be used for a new school plant and the balance to be paid in ten annual installments, first one to be $100,000, the next eight $50,000 each, and the last $25,000, Indians residing on the ceded lands having the option of taking allotments or lands they have lived upon or improved, or upon the reservation. The improvements abandoned by those who remove to the reservation are to be appraised and sold for not less than the appraised value. The payment of the first installment of $100,000 is now being made, and the work of allotting and appraising is in progress. At XXVI-XXVII.

## THE OPENING OF THE NORTH HALF OF THE COLVILLE INDIAN RESERVATION

The act of July 1, 1892 (27 Stat., 62), entitled "An act providing for the opening of a part of the Colville Reservation in the State of Washington, and for other purposes," vacated and restored to the public domain a portion of the Colville Indian Reservation created by Executive order, dated July 2, 1872, and by other proceedings, whereby the same was set apart for a



reservation for any Indians or band of Indians, and provided that the same should be opened to settlement and entry by the proclamation of thePresident of the United States and should be disposed of under the general laws applicable to the disposition of public lands in the State of Washington.

It was also provided by said act that every Indian then residing upon the portion of said reservation vacated and restored to the public domain, and who was entitled to reside thereon, should be entitled to select from said vacated portion 80 acres of land, which should be allotted to each Indian in severalty,and that no restrictions as to locality should be placed upon such selections further than that they should be so located as to conform to the authorized survey or subdivisions of said tract of country, and that an Indian having improvements should have preference over any other person in and upon the tract of land containing such improvements, so far as they were within a legal subdivision not exceeding in area the quantity of land that he or she might be entitled to select and locate, and that such selections should bemade within six months after the date of the President's proclamation opening the lands so vacated to settlement and entry, and after the same had been surveyed, and when such allotments had been selected and approved by the Secretary of the Interior, the title thereto should be held in trust for the benefit of the allottees, respectively, and afterwards conveyed in fee simple to the allottees or their heirs, as provided under the general allotment act approved February 8, 1887, and the act amendatory thereof, approved February 28, 1891, and providing that such allotted lands should be subject to the laws of eminent domain of the State of Washington, and should only

convey in fee simple to the allottees or their heirs, and be subject to taxation as other property in that State.

On the 20th day of February, 1896, the United States mineral laws were extended to the portion of said reservation so vacated and restored to the public domain, as above stated.

The act of July 1, 1898, entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1899, and for other purposes" (30 Stat., 571, at page 593) provides, in relation to the lands in the Colville Indian reseration vacated and restored to the public domain by the act of July 1, 1892 (supra), that–

> The Indian allotments in severalty provided for in said act (July 1, 1892) shall be selected and completed at the earliest practicable time, and not later than six months after the proclamation of thePresident opening the vacated portion of said reservation to selection and entry, which proclamation may issue without waiting for the survey of the unsurveyed lands therein. Said allotments shall be made upon lands which shall, at the time of the selection thereof, be surveyed, excepting that any Indian entitled to an allotment under said act who has improvements upon unsurveyed lands, may select the same for his allotment, whereby the Secretary of the Interior will cause same to be surveyed and allotted to him. At the expiration of six months from the date of the proclamation by thePresident, not before, nonmineral lands within the vacated portion of said reservation, which shall not have been allotted to Indians as aforesaid, shall be subject to entry, settlement, and disposition under said act of July 1, 1892.

On April 9, 1900, the Commissioner of Indian Affairs and the Commissioner of the General Land Office, respectively, having reported that the provisions of the acts of July 1, 1892, and of July 1, 1898, as to the survey and allotment of said lands had been complied with, I submitted a form of proclamation opening to settlement and entry as provided in said acts, all the nonmineral lands



in the north half of the Colville Indian Reservation in the State of Washington, vacated by said acts, except those allotted and reserved for the Indians and for other purposes.

On April 10 said proclamation was issued, fixing October 10 as the date for the opening of said lands to settlement and entry under the provisions of the acts above mentioned, public notice thereof being given through the medium of the press and otherwise; on that date they were so opened, in accordance with the provisions of said acts, under the terms of said proclamation. At LXII-LXIV.

18A. REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS, ANNUAL REPORTS OF THE DEPARTMENT OF INTERIOR (1901).

However wise such a policy may have been during the past century, the condition of the Indian and his surrounding white neighbors at the beginning of a new century demand a change. Then the West was sparsely settled; the hardy pioneer went to his work, as did his earlier prototype from Europe, with ax and gun in hand; the railroad and telegraph were in their infancy, and this vast domain gave little promise of its present greatness. Now the busy wheels of commerce, the hum of industry, and the lowing of countless millions of cattle upon the broad prairies, supplanting the buffalo, can be heard; bustling cities, with teeming thousands, have sprung up on the sites of old Indian homes and battlefields. Conditions have changed, and policies must be changed to suit them. The past two generations have witnessed the sowing of the seeds of education and civilization by both the

Government and the missionaries. These seeds have not always fallen on barren ground, but have produced some good results. Advancing white civilization has unconsciously aided the development of the Indian, until there remain few reservations upon which at present the educational interests are not paramount to all others.

During the past four years the endeavor of this office has been to crystallize the newer policy of abandoning the reservation system of Indian government wherever practicable. At 10.

As stated, the first change was made by placing the superintendent of the Eastern Cherokee School in charge of the reservation. The next was made in 1895, when the duties of the Puyallup Consolidated Agency, Wash., and the Grande Ronde Agency, Oreg., were devolved, respectively, on the two superintendents of the training schools. In 1897 the superintendent of thetraining school assumed the duties of the Round Valley Agency in California, and 1899 similar action was taken at Hupa Valley Agency in the same State. There were a number of such changes during the next two years, as at the agencies of Mescalero, N. Mex.; Western Shoshoni, Nev.; Nevada, in Nevada; Quapaw, Okla.; Warm Springs, Oreg.; and Sisseton, S. Dak. Portions of agencies were, during the present and past fiscal years, dissevered and erected into separate jurisdictions under charge of the bonded superintendents of training schools located on such dissevered portions. At 11.

The perpetuation of the reservation and agency systems at those places where such systems have outlived their usefulness means the perpetuation of the Indian



problem and indefinite appropriations by Congress.

The Indians can not be made an integral part of the body politic or fitted for citizenship by herding them on limited areas, with a separate government, and feeding them in idleness; but they can be thus advanced by giving the children industrial training, breaking up their reservations, and throwing them upon their own resources among the white people. At 12.

## COMMISSIONS.

Crow, Flathead, etc., Commission.—The Crow, Flathead, etc., Commission had remaining, when my last annual report was submitted, only the Yankima and Flathead Indians with whom it was authorized to negotiate agreements. Their unsuccessful negotiations with the Yakima Indians are referred to on page 167. At 49.

## ALLOTMENTS ON RESERVATIONS.

During the year patents have been issued and delivered to the following Indians:

| | |
|---|---|
| Cheyenne and Arapaho, in Oklahoma | 4 |
| Chippewa of Lake Superior, on the Bad River Reservation, Wis. | 5 |
| Chippewa of the Mississippi, on the Chippewa Reservation, Minn. | 361 |
| Chippewa of the Mississippi, on Leech Lake, Cass Lake, and other reservations in Minnesota | 479 |
| Colville Reservation in Washington (restored portion) | 432 |

at 52.

December 8, 1890, an agreement was concluded with the Crow Indians by which they ceded a considerable portion of their reservation, which agreement was ratified

by Congress March 3, 1891 (26 Stats., 989). The act ratifying the agreement provided that any person who might be entitled to the privilege of selecting land in severalty under the provisions of the sixth article of the treaty of May 7, 1868 (15 Stats., 6 and 9), or under any other act or treaty, should have the right for a period of sixty days to make such selections in any part of the territory ceded by the agreement. April 14, 1891, Special Allotting Agency Hatchitt was directed to assist such of the Crow Indians as desired to make selections under the foregoing provision. Some 602 allotments were made by him on the Crow Reservation, a considerable number being on the ceded lands.

A large number of the allottees on each schedule subsequently relinquished their allotments, retaining their rights on the diminished reservation. At 54.

Allotments of Sioux ceded lands, South Dakota.–Under section 13 of the Sioux act approved March 2, 1889 (25 Stats., 888), many Indians receiving and entitled to rations and annuities at the agencies on what was then known as the Great Sioux Reservations applied for and received allotments upon what is known as the Sioux ceded tract, South Dakota–the same having been a part of the great reservation of the Sioux nation. Some of the allottees who received allotments on this tract relinquished the same to the United States soon thereafter and returned to the reservations to which they respectively belonged. From time to time other allottees have relinquished their allotted lands to the United States and removed to their reservations. The Cheyenne River Indians are still offering relinquishments of their allotments. It is the policy of the Department to accept and confirm these relinquishments



and to allow the Indians to return to their reservations and receive allotments thereon if found to be entitled.

Because of this action on the part of the Indians the Sioux ceded allotments have not been presented to the Department for approval and instructions as to the issuance of patents. At 60.

## AGREEMENTS FOR THE CESSION OF LANDS.

Grande Ronde Reservation, Oreg.–Special Agent Armstrong was instructed by the Department last spring, in accordance with the recommendation ofthis office, to make careful investigation and ascertain whether it would be desirable for the Indians of the Grande Ronde Reservation inOregon to cede their surplus or unallotted lands, about 26,500 acres, to the United States. In his report dated May 16, 1901, he stated that he found that the surplus lands of these Indians were bringing them no revenue, but were monopolized by people who paid nothing therefor; that a considerable portion would make good homes for settlers, if opened up, and that some of the land contained merchantable timber which was not needed by the Indians, as they had sufficient timber on their respective allotments to supply their own needs. He urgently recommended that the agreement be made with these Indians providing for the cession of their surplus lands.

In compliance with the Department directions the office prepared a draft of instructions June 19, for the guidance of Inspector James McLaughlin in the conduct of such negotiations. With his report, dated June 28, the

inspector transmitted an agreement with the Grande Ronde Indians, concluded June 27, 1901, which provides for the cession to the United States of all their surplus lands excepting 440 acres, embracing the school farm of 200 acres and a timber reserve of 240 acres. At 60-61.

Lower Brule Reservation, S. Dak.—About a year and a half ago the Lower Brule Sioux Indians submitted to the office, through their agent, a proposition to cede to the United States, at $1.25 per acre, two townships of land embraced in their reserve,. . .

By a clause contained in the Indian appropriation act for the current fiscal year, however, Congress authorized the Secretary of the Interior, in his discretion, to negotiate through any United States Indian inspector agreements with any Indians for the cession to the United States of portions of their respective reserves or surplus unallotted lands. A draft of instructions, dated April 5, 1901, was accordingly prepared by the office for the guidance of Inspector McLaughlin in the conduct of negotiations with the Lower Brule Indians for the cession proposed. May 9 he transmitted an agreement with those Indians, concluded May 6, which provides forthe cession of a tract of land, approximating 56,560 acres, embracing the western portion of the reserve, the cession line passing through the center of Ts. 106, 107, 108, 109, and 110 N., R. 77 W., fifth principal meridian. At 61.

CEDED LANDS, FORT HALL, IDAHO.

My last annual report stated that Inspector W.J. McConnel was detailed to appraise the improvements of Indians electing to remove from ceded lands to the



diminished Fort Hall Reserve, and Agent A. F. Caldwell, of the Fort Hall Agency, was instructed to make the allotments to Indians on the ceded lands who might elect to remain thereon. At 124.

18B. REPORT OF THE SECRETARY OF THE INTERIOR (1901) H. EXEC. DOC. 57TH CONG., 1ST SESS.(1901-02).

Patents.— During the year 3,265 patents were issued and delivered to the following Indians:

Colville Reservation, Wash.(restored portion) . . . . . 432 at XXIV.

Many allotments made on the Sioux ceded lands in South Dakota under section 13 of the Sioux act of March 2, 1889 (25 Stat., 888), have been relinquished and accepted, the Indians returning to the diminished reservations whereon are located the tribes to which they belong, where they will receive other allotments if found entitled thereto. At XXV.

During its existence, about five years, this commission has negotiated three agreements with Indian tribes—one each with the Uinta Utes, Crows, and the Indians on the Fort Hall Reservation—the latter alone having been ratified by Congress, leaving the others pending before that body.

AGREEMENTS WITH INDIANS.

Grande Ronde Reservation, Oreg.—An agreement with the Indians of this reservation was concluded June

27, 1901, by which they cede the surplus lands, 25,791 acres, for $28,000 in cash, the shares of adults to be paid within one hundred and twenty days after ratification of the agreement and the shares of minors as they arrive at the age of 18 years.

Lower Brule Reservation, S. Dak.—On May 6, 1901, an agreement was concluded with the Indians of this reservation, they having indicated their desire to cede certain of their surplus lands, by which 56,560 acres were acquired for a consideration of $70,700, to be expended in young cattle for issue to the Indians and in the construction of a fence around the reserve.

Rosebud Reservation, S. Dak.—That portion of the surplus lands of this reservation lying in Gregory Councy, S. Dak., was ceded by the Rosebud Indians by an agreement dated September 14, 1901, the Government acquiring 416,000 acres, for which $1,040,000 was agreed to be paid, part in cash, in installments, and the remainder to be expended for stock cattle for issue to theIndians of the reservation.

These agreements, all of which were negotiated through an Indian inspector, under the provisions of the act of March 31, 1901. . . at LI.

Northern Cheyenne Indian Reservation, Mont.—The claims of white settlers on that reservation for certain lands and improvements provided for by act of Congress approved May 31, 1900 (31 Stat., 221), have been paid, with one exception, and the settlers have removed from the reservation.



Fort Hall (Idaho) Ceded Lands.—The appraisement of theimprovements of Indians on the ceded lands of the Fort Hall Reservation, who elected to remove therefrom to the diminished reserve, provided by the act of June 6, 1900 (31 Stat., 672), was completed during the year, and allotments weremade to Indians who had located and decided to remain on the ceded lands. At LIII.

19A. REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS, H. EXEC. DOC. 57TH CONG., 2d SESS. (1902-03).

The ration system and the reservation system are doomed. Let them go. Take away the incentive to idleness and obliterate the boundary between ancient prejudice and modern progress. Break down the barriers, open the way for civilization, build the roads that it may march in and settle around the Indian homes. When that is done the dream of the celebrated Peace Commission of 1868 will come true. Mechanics and artisans will enter, trade will spring up, and the nucleus of a civilized community will be formed. At 12.

AGREEMENTS WITH INDIAN TRIBES.

Fort Berthold, N. Dak.— An agreement was entered into on the 25th of June, 1902, by Inspector James McLaughlin on the part of the United States with the Arikara, Grosventre, and Mandan tribes of Indians belonging on the Fort Berthold Reservation, N. Dak., by which they ceded the United States 208,000 acres of land for $260,000. The manner of the payment is provided as follows: at 50.

Pending during last session of Congress and still unratified.—Congress failed to ratify any of the agreements pending before it during the last session providing for the cession of lands by Indian tribes to the United States. These agreements are as follows:

With the Indians of the Crow Reservation, in Montana, concluded August 14, 1899, ceding about 1,116,000 acres, comprising the northern portion of the reserve;

With the Indians of the Lower Brule Reservation, S. Dak., concluded May 6, 1901, ceding the western portion of their reserve, 56,000 acres;

With the Indians Grande Ronde Reservation, in Oregon, concluded June 27, 1901, ceding all surplus unallotted lands (except 440 acres), aggregating 25,791 acres;

With the Indians of the Rosebud Reservation, S. Dak., concluded September 14, 1901, ceding the surplus unallotted lands of that part of their reserve situated in Gregory County, amounting to about 416,000 acres;

With the Indians of the Red Lake Reservation, Minn., concluded March 10, 1902, ceding the western portion of their reserve, embracing 256,152 acres. The consideration is $1,000,000, of which $250,000 are to be paid within ninety days after the ratification of the agreement, and the remainder in fifteen equal annual payments; at 51.

## ALLOTMENTS RELINQUISHED WITHIN THE SIOUX CEDED TRACT.



Under section 13 of the Sioux act, approved March 2, 1889 (25 Stats., 888), the Indians residing within the Sioux ceded tract in South Dakota were allowed, upon certain conditions, to take allotments on the ceded lands. Many of the Indians availed themselves of this privilege. However, soon after they had been allotted by the special agent in the field, they began to relinquish their allotments to the United States and remove to the reservations to which they respectively belonged; and they have continued to execute relinquishments from time to time, until more than one-third of those who elected to take allotments on the ceded lands have relinquished them and moved upon the reservations. The number originally allotted on the ceded tract was 431, and the Department has accepted and approved 158 relinquishments up to the present time. at 62.

## OPENING OF CEDED LANDS, FORT HALL, IDAHO.

By proclamation of the President issued May 7, 1902, the lands of the Fort Hall Reservation, Idaho, ceded by the Indians thereof by agreement concluded February 5, 1898, ratified by act of June 6, 1900 (31 Stats., 672), were opened to public settlement on June 17, 1902,. . .at 120.

If the General Land Office does not succeed in effecting all the sales in due time the Office is of the opinion that remedial legislation should be procured, in order that the Indians interested, who elected to abandon their improvements and remove to the diminished reservation, may be protected and the terms of the agreement with them carried out in good faith. At 121.

19B. REPORT OF THE SECRETARY OFTHE INTERIOR. H. EXEC. DOC. 57TH CONG., 2d SESS. (1902-03)

As was the case last year, a number of allotments made on the Sioux ceded lands in SouthDakota under section 13 of the Sioux act of March 2, 1889 (25 Stat. L., 888), have been relinquished and accepted, the Indians returning to the diminished reservations whereon are located the tribes to which they belong, where they will receive other allotments if found entitled thereto. At 36.

AGREEMENTS WITH INDIANS.

Agreements made with the Crows andthe Yankton Sioux in 1899, and with the Sioux of the Devil's Lake Reservation; Indians of the Grande Ronde Reservation; the Lower Brule Reservation; and the Rosebud Reservation, made in 1901, are pending before Congress.

Lands amounting to nearly one and three-quarters of a million acres are ceded by these pending agreements, all of them providing for large cessions, except that with the Yankton Sioux, by which the United States acquires title to the well-known red pipestone quarry in Minnesota. At 50 & 51.

20A. REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS. H. EXEC. DOC. 58TH CONG., 2d SESS. (1903-04)

To educate the Indian in the ways of civilized life, therefore, is to preserve him from extinction, not as an Indian, but as a human being. As a separate entity he can not exist encysted, as it were, in the body of this great



nation. The pressure for land must diminish his reservations to areas within which he can utilize the acres allotted to him, so that the balance may become homes for white farmers who require them. To educate the Indian is to prepare him for the abolishment of tribal relations, to take his hand in severalty, and in the sweat of his brow and by the toil of his hands to carve out, as his white brother has done, a home for himself and family. At 2-3.

ABOLISHMENT OF AGENCIES.

In pursuance of the general policy which has been adopted, believing it to be for the best interests of the Indians to substitute for Indian agents bonded superintendents of schools, Congress, in the appropriation act for the current fiscal year, omitted appropriations for ten agents. At 28.

INDIAN TREATIES AND AGREEMENTS.

Congress, by an act approved March 3, 1871 (16 Stats., p. 566), prohibited the making of any future Indian treaty. (See Rev. Stat., sec. 2079.) Since that time only *agreements* have been made with the Indians, subject to the approval of Congress. The number of such agreements that have been approved or confirmed by Congress is 74. The first was made September 20 et. seq., 1872, with the Sisseton and Wahpeton bands of Sioux, and the last was made March 21, 1902, with the Choctaw and Chickasaw.

A schedule of these treaties and agreements appears on page 469 of this report. At 33-34.

The Indian appropriation act of the 3d of last March

extended this provision so as to make it apply to all Indian reservations. This allows practically free trade upon Indian reservations, except that a trader must be licensed as hitherto, must be a "proper person" to be allowed to reside among Indians, and must comply with the regulations of the Indian Bureau. At 34.

## SALE OF LIQUOR TO INDIANS.

The record for the past year demonstrates in a marked degree the activity of the officials ofthe Indian service in apprehending and prosecuting persons charged with having violated the law prohibiting the sale of intoxicating liquors to Indians. These officials have been hampered in the performance of such duty because of the difficulty experienced by them in securing evidence against the offenders. Requests for authority to employ detectives were frequently received, but the Office was powerless to grant them because there were no funds under its control applicable for such employment.

The need for the employment of detectives for the purpose of obtaining evidence against liquor sellers is shown in a report dated April 7, 1903, made by Special Agent Brewster, of the Department of Justice. He referred tothe opinion expressed by the United States attorney for the district of Oklahoma that the only way to apprehend the saloon keeper who is known to be violating the law is to use Indians as detectives. In justification of such a course the United States attorney cited the methods of the Post-Office and Treasury Departments in detecting violations of law and contended that is was the only way to accomplish successfully the desired result.



The decision of Judge Hanford of the United States circuit courtfor the district of Washington in the case of the United States v. Bagnell et al., rendered during the September, 1898, term, held that a mineral location on land opened to entry by the act of July 1, 1898, on the Colville Reservation, Wash., was not "Indian country" within the meaning of theliquor law and practically opened the gate to the introduction of liquor into that reservation. The commissioners of Ferry County, Wash., on the authority of that decision went so far as to issue licenses to dealers to sell liquor within the south half of the reservation.

Upon representations made by Mr. Albert M. Anderson, United States Indian agent at the Colville Agency, supplemented by a report from this office, the Department, on May 15, 1903, declared its unwillingness to accept the ruling of Judge Hanford as correct and expressed its disbelief that the act of 1898, subjecting the mineral lands of the Colville Reservation to entry under the mining laws, operated to destroy the character of the lands within that reservation as Indian country. The Department cited the opinion of the Attorney-General, dated October 4, 1898 (22 Opinions, 232), in which it was held that notwithstanding the extinguishment of the Indian title to specified tracts within the Indian Territory the Territory still remains Indian country. While the facts in respect to the Colville Reservation were somewhat different, it seemed to the Department that the same rule should be applied there and that it should be held that the allowance of mineral entries for portions of the land within the outer boundaries of the reservation does not take thy reservation out of the class of lands properly designated as Indian country.

At the request of the Department the Attorney General, on July 29, 1903, instructed the United States attorney for the district of Washington to institute proceedings against persons charged with selling liquor on the Colville Reservation, and if the decision of Judge Hanford was thought to be for the present controlling, to adopt some method whereby the question involved may be reviewed by the appellate court.

At a recent date practically the same question arose in respect to the town sites of Washunga and Red Rock, located respectively in the Kaw and Oto reservations, Okla. These town sites are entirely surrounded by Indian-reservation lands, and unless it be held that they are still Indian country it will be difficult to prevent the introduction and sale of liquor there.

Several investigations of alleged infractions of the liquor law have been made by special agents of the Department of Justice, and numerous prosecutions and convictions of offenders have been had during the past year. At 34-36.

20B. REPORT OF THE SECRETARY OF THE INTERIOR (1903) H. EXEC. DOC. 58TH CONG., 2d SESS. (1903-04).

Indian Allotments.– Pursuant to the recommendation of the Commissioner of the General Land Office, approved by the Department February 21, 1903 (32 L.D., 17), there is now in progress an examination by the Office of Indian Affairs and the General Land Office, jointly, of all allotments remaining intact, as made to



Indians under the fourth section of the general allotment law of February 8, 1887 (24 Stat. L., 388), and amendatory act of February 28, 1891 (26 Stat.L., 794), the purpose of the examination being to ascertain whether the lands included in such allotments are suitable for homes for the Indians, whether the requirements of the law as to settlement have been complied with, and generally so to adjust the allotments as to accomplish the purpose for which the law was enacted. At 11.

The allotments in the State of Nevada are now being examined by agents of the General Land Office and of the Office of Indian Affairs. Other districts will be taken up as fast as practicable. Those tracts which are not of a character subject to allotment will be restored to the public domain, and an earnest effort will be made to adjust the allotments in a way that will be of the greatest benefit to the Indians and to the public generally. At 12.

Ceded Chippewa Lands in Minnesota.– The examination of ceded Chippewa lands in Minnesota under the act of June 27, 1902 (32 Stat. L., 400), was resumed by a corps of examiners in the employ of the General Land Office on December 15 last. The first examination completed was that of lands in the former Chippewa of the Mississippi and Winnibigoshish Indian reservations,. . .at 28.

In pursuance of thepolicy adopted by the Department under authority of law, the abolishment of Indian agencies, and the devolving of the duties appertaining thereto upon bonded superintendents in charge of Indian training schools located at such agencies, has been continued, with the result that the number of

agencies provided for in the appropriation for the present fiscal year is 33, as against 43 for the past year.

Great emphasis is placed upon this policy by the Indian Department (see report of Commissioner of Indian Affairs), and it is claimed that it meets the conditions which will best enable the Indian to break away from ancient tribal traditions and influences, and to become self-supporting. At 30.

## AGREEMENTS WITH INDIANS.

FORT BERTHOLD RESERVATION.–Mention was also made in my last annual report of an agreement which had been made with the Indians residing on the Fort Berthold Reservation. This agreement was submitted to Congress at its last session, but was not ratified.

Agreements made with the Crows and the Yankton Sioux in 1899 and with the Indians of the Devils Lake, Grand Ronde, Lower Brule, and Rosebud reservations in 1901 are still pending before Congress. At 49.

21A. REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS (1904) H. EXEC. DOC. 58TH CONG., 3d SESS. (1904-05).

Red Lake, Minn.–An agreement was concluded March 10, 1902, with the Indians of the Red Lake Reservation, Minn., ceding the western portion of their reserve, embracing 256,152 acres. At 3.

Rosebud, S. Dak.–An agreement was concluded September 14, 1901, with the Indians of the Rosebud



Reservation, S. Dak., by which they ceded the surplus unallotted lands of that part of their reserve situated in Gregory County, S. Dak. The agreement was ratified by act of April 23, 1904 (33 Stats., 254). At 3-4.

Unratified agreements.–Agreements pending during last session of Congress and still unratified are:

With the Indians of the Lower Brule Reservation, S. Dak., concluded May 6, 1901, ceding the western portion of their reserve, embracing 56,000 acres. At 5.

The Present.– In 1882, just a generation ago, Congress tardily recognized the all-important necessity for educating the young Indian in the ways of civilization by the appropriation of $135,000. This meager sum has been gradually increased since that time until the last appropriation was $3,500,000. Educational work has kept pace with these donations on the part of a liberal people, who now possess the Indians' vast ancestral domain. At 23.

Reservations are being broken up. Inherited lands are being sold, and sturdy American citizens are buying them and settling among the Indians, and following the wake of all comes the public school, where in time the white and Indian will mingle.

Modest as well as splended homes and cities are springing up on the old reservations. The Indian is thus brought into contact with, and, after education, into a portion of that civilization. At 29.

Sioux ceded lands.–It has been the policy of the Department, as stated in my last annual report, to

encourage the Indians who received allotments within the Sioux ceded tract, South Dakota, under theSioux act of March 2, 1889 (25 Stats., 888), to relinquish such allotments and to remove to their respective reservations and take allotments there. The Indians have done so from time to time and they are still making relinquishments occasionally. For this reason none of these nonreservation allotments have been submitted to the Department for approval. That action will be taken as soon as it is ascertained that no other Indians within the Sioux ceded tract desire to relinquish their allotments. At 62.

## 21B. REPORT OF THE SECRETARY OF THE INTERIOR (1904) H. EXEC. DOC. 58TH CONG., 3D SESS. (1904-05)

Satisfactory sale was had of lands of the Red Lake Indian Reservation of Minnesota and the opening to settlement and entry of the Rosebud Indian lands in South Dakota, the Devil's Lake lands in North Dakota, and Arid lands of Nebraska, was successfully effectuated. At 4.

In the Indian Service ten agencies were abolished during the years and the duties of such agencies devolved upon bonded superintendent of Indian training schools. At 5.

Examination of Ceded Chippewa Lands in Minnesota.—The work of examining the lands in the former Chippewa Indian Reservations, ceded under the act of January 14, 1889 (25 Stat L. 642), was brought to a completion March 31 last. There were examined during the past year 725,818.98 acres, embracing lands in the Pigeon River, Fond du Lac, Bois Fort, Deer Creek, Red Lake, and Chippewa of the Mississippi reservations. Of the total lands examined 88,320 acres were classified as "pine" lands, and



theestimates indicated that there are 172,445,000 feet of merchantable pine timber thereon. At 16.

Opening of Lands in the Red Lake, Grande Ronde, Rosebud, and Devils Lake Reservations.—As provided by the act of February 20, 1904 (33 Stat. L., 46), the Red Lake Indian lands of Minnesota were offered at public sale at Thief River Falls, Minn., commencing at 9 o'clock a.m. June 20, 1904, and said sale was continued until July 14, 1904, at which time the same wasadjourned tobe resumed at Crookston, Minn., October 3, 1904. At 17.

### AGRICULTURAL LANDS IN INDIAN RESERVATIONS.

Instructions and schedules of land were issued the past year for the sale and disposal of agricultural lands in the following ceded Indian reservations, viz:

| | Acres. |
|---|---|
| Chippewa Reservations, Minnesota | 1,017,618.12 |
| Red Lake Reservation, Minnesota | 256,143.58 |
| Rosebud Reservation, South Dakota | 385,887.11 |
| Devils Lake Reservation, North Dakota | 88,948.39 |
| Grand Ronde Reservation, Oregon | 26,264.65 |
| Total | 1,774,861.85 |

At 339.

## 22A. REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS, ANNUAL REPORTS OF THE DEPARTMENT OF THE INTERIOR, INDIAN AFFAIRS, PART 1 (1905).

### SALE OF LIQUOR TO INDIANS.

During the last year fresh efforts have been made by persons engaged in the liquor traffic to elude the law forbidding the introduction of liquor into the Indian

country. They have bought land on reservations from heirs of dead allottees and prepared to engage in the business of selling liquor, insisting that, as they had warranty deeds to the land, it was no longer Indian country, and they had the same right to engage in any business on that land as on land owned by them off the reservations. At 20.

The main, and of course the best, source of competition is the approach of white towns to the reservation boundary and the opening of reservation tracts to white occupancy after the Indians have been given their individual allotments. This gives the Indian a chance to buy and sell in white communities, and this Office has instructed agents everywhere that "Indians must be permitted to sell their crops and other articles produced by them at available market towns." Nevertheless, since the licensed trader is nearest the Indians, he continues to have some advantage over an outsider in making sales and collecting debts, and his personal influence and example still go a good way with our red brother. At 28.

At the Sisseton Agency, in South Dakota, an order was issued from the circuit court to the First National Bank at Sisseton, depositary of funds in which Titus White, an Indian, is interested as beneficiary, to show cause why an order should not be made by the court for the bank to turn over and deliver to the sheriff of Roberts County, S. Dak., the certificate of deposit covering the proceeds derived from the sale of the Titus White heirship land. The case came on for hearing before the court on July 18, 1905, United States Attorney J. D. Elliott appearing on behalf of thebank and moving the dismissal of the order to show cause. The motion was granted and the order was accordingly dismissed. At 33-34.



## PROPOSED REMOVAL OF LEMHI INDIANS TO FORT HALL, IDAHO.

The act of February 23, 1889 (29 Stat. L., 687), provided for negotiations with theLemhi Indians, in Idaho, to secure their relinquishment of the Lemhi Reservation and their removal to the Fort Hall Reservation. The Fort Hall Indians have already agreed to receive them and to have their diminished reservation allotted in severalty among both the Fort Hall and Lemhi Indians. At 106.

## 22B. REPORT OF THE SECRETARY OF THE INTERIOR. H. EXEC. DOC., 59TH CONG., 1ST SESS. VOL. 18 (1905-06)

Theopening to settlement and entry under the homestead law of the Rosebud Indian lands in South Dakota and of the Devils Lake lands in North Dakota, under the acts of April 23, 1904 (33 Stat. L., 254), and April 27, 1904 (33 Stat. L., 319), respectively, was successfully accomplished, and the entry of lands in said reservations is still in progress. Equally successful was the opening to settlement and entry under the homestead laws on August 28, 1905, of the unreserved and unallotted lands of the Uintah Indian Reservation in Utah, under the act of March 3, 1905 (33 Stat. L., 1069). At 5.

The opening of the unallotted and unreserved lands of the Devils Lake Indian Reservation, in North Dakota, under the act of April 27, 1904 (33 Stat. L., 319), began on September 6, 1904, as described in my last annual report. Of approximately 556 claims of 160 acres each included in the lands restored to the public domain in said reservation, 161 entries and filings, aggregating 24, 580

acres, were made during the sixty-day period following the opening. At 11.

## 23A. ANNUAL REPORT OF THE DEPARTMENT OF INTERIOR (1906)

The Burke law materially modifies the Dawes law. It postpones the acquisition of citizenship until the termination of the trust as to all allotments made after May 8, 1906, and declares that the allotees shall be subject to the exclusive jurisdiction of the United States until they acquire citizenship. To nullify the injustice which such a general provision might inflict upon Indians capable of taking their places in the State as citizens, a very comprehensive proviso confers authority on the Secretary of the Interior to terminate the trust period by issuing a patent in fee whenever he is satisfied of the competency of an allottee to manage his own affairs. Fortunately this power is broad enough to cover all allotments, no matter when made. At 28-29.

It is doubtful whether the provisions of the act in regard to the Federal jurisdiction over the Indian and his allotment is more than declaratory of the prior law, altho it is certain that many courts hold a contrary view. At 29.

In short, I would make industry the primary test and use this as a lever to force Indians to earn their bread by labor. There is no danger of proceeding too slowly; thespirit of the times will not permit any stagnation. The legislation of recent years shows conclusively that the country is demanding an end of the Indian question, and it is right. The Burke law, wisely administered, will accomplish more in this direction than any other single



factor developed in a generation of progress. When it is supplemented by other legislation which will enable their pro rata shares of the tribal moneys to be paid, principal and interest, to competent Indians, the beginning of the end will be at hand. Such Indians, owning their land in fee, and receiving their portions of the tribal property without restriction, can not by any course of action maintain a claim for further consideration. Thru such measures the grand total of the nation's wards will be diminished daily and at a growing ratio. At 30.

### GENERAL POLICY.

This leads me to consider the general policy of allotment as controlled by law. At 80.

Not uncommonly nowadays reservations are opened by special act of Congress, andin almost every instance, as I have pointed out elsewhere, the primary object seems to be to hasten the date when the surplus-unallotted lands can be taken by the homeseeker. This is not unnatural, in view of all the circumstances, but it is unwise nevertheless. Too little thought is given to the condition of the Indians to be allotted, and incidentally to this, not enough regard is paid to the ultimate welfare of those whites who will try to acquire homes on the coveted lands or of those who will ultimately succeed to a large part of the allotments. The law toooften operates as an attempt to anticipate administration, and administrative officers are in their turn forced, much against their will, into apparent lawmaking by having to construe the law on so many dubious points.

Another result which could hardly help flowing from it would be the more rapid opening of reservations and the

consequent dissolution of the generally condemned reservation system; for the executive branch of the Government could act then in one case after another without the need of consuming the time of the Congress upon special legislature. The development of what has been known as thefrontier West would thus proceed along the line of least resistance, to the ultimate advantage of the whole country. At 80-82.

Reservation in Washington, dated December 20, for the cession of their surplus lands and the settlement of claims growing out of lands formerly claimed by them but disposed of by the Government without their consent.

The Colville Reservation was created by Executive orders of April 9 and July 2, 1872. An agreement was made with the Indians on May 9, 1891, by which they ceded the northern part of their reservation to the United States for $1,500,000 but the Congress declined to ratify this agreement and substituted the act of July 1, 1892 (27 Stat. L., 62), which vacated the northern part of the reservation, containing approximately 1,500,000 acres, and after providing allotments for the Indians residing thereon, restored the remainder of the lands to the public domain.

This Office has always held that the Indians were justly entitled to all the territory which was within their reservation prior to the opening to settlement of the northern part, and thatthey were therefore entitled to compensation for the lands taken.

Article 1 of the agreement of last December provided for the cession of the entire diminished reservation, after



an allotment of 80 acres had been made to each man, woman, and child belonging to or having tribal relations on the Colville Reservation, and for the payment to the Indians of $1,500,000 in compensation for the lands opened to settlement by the act of July 1, 1892.

Article 2 provided for the classification of the lands, the appraisal of all except the mineral lands, and the opening to settlement, by Presidential proclamation, of all surplus lands, to be paid for in five annual installments, default in payment of any installment to work a forfeiture of all moneys paid andright to the lands purchased. Lands remaining undisposed of were to be offered at public sale at not less than $1 per acre at the expiration of five years and without regard to minimum price at the expiration of ten years, all mineral lands and lands reserved for town-site purposes to be disposed of under the general laws, and all moneys derived from sales of land to be paid to the Indians.

Article 3 provided that $100,000 be paid to the Indians per capita within six months from date of ratification, the remaining $1,400,000 to constitute a general improvement fund, the interest at 4 per cent and the proceeds of the sales of the opened lands to be expended annually for the benefit of the Indians.

Other articles provided that the United States was not bound to find purchasers or to purchase any of the lands opened, but was to act as trustee for the Indians in their disposition; also that the agreement should not deprive the Indians of any benefits to which they are entitled under existing agreements not inconsistent with the agreement concluded. At 166.

This agreement was not ratified by the Congress, but its essential features, with some important additions, are embodied in an act approved March 22, 1906 (34 Stat. L., 80). This act provides for the opening of the lands in a manner similar to that proposed in the agreement, and the current Indian appropriation act provides for setting aside in the Treasury of the United States $1,500,000, to be at all times subject to appropriation of Congress and to be full payment to the Indians for the 1,500,000 acres opened to settlement by the act of July 1, 1892.

The prominent features in the act and agreement are as follows: Provision is made for the sale of all lands classified as timber lands by the Secretary of the Interior under sealed bids to the highest bidder, the proceeds, after deducting the expenses incurred in connection with the allotment, appraisement, sales, and surveys, to be deposited in the Treasury of the United States and expended for the education and improvement of the Indians, in the purchase of stock, agricultural implements, and building materials, and in per capita cash payments to the Indians in the discretion of the Secretary of the Interior. Such lands, not exceeding three sections, as may be necessaary for agency, school, and religious purposes and such as are now occupied by the agency buildings or mill site, are reserved, and the Secretary of the Interior is authorized to withhold from sale any lands which can be included in any feasible irrigation project and to dispose of them under the reclamation act of June 17, 1902, the amounts paid for the land over and above the cost of reclamation to be credited to the fund established by the act for the Colville Indians. at 167.



## 23B. REPORT OF THE SECRETARY OF THE INTERIOR (1906) H. EXEC. DOC. 59TH CONG., 2d SESS. (1906-07)

The opening to settlement and entry of the Crow Indian lands in Montana, and the Shoshone or Wind River lands in Wyoming, under the acts of April 27, 1904 (33 Stat. L., 352), and March 3, 1905 (33 Stat. L., 1016), was successfully accomplished. The acreage involved in the Crow Indian Reservation was 969,656.58. Up to and including August 31, 1906, a total of 263 persons had made filings and entries out of a possible 5,125. In the Shoshone or Wind River Reservation the acreage was 1,438,633.66. Up to and including August 31, 1906, 388 persons had made filings out of a possible 1,600. At 6.

. . .also instances of special legislation important in the localities concerned, such as the opening of the Osage and Coeur d'Alene Reservations; of the closed half of the Colville Reservation;. . . at 35.

### PATENTS IN FEE SIMPLE.

The Commissioner calls attention to the provisions of he general allotment act of February 8, 1887 (24 Stat. L., 388), (better known as the Dawes law), which he regards as the crystallization of the resolve of the Government that the tribal regulations of the Indians should cease. The powers conferred by it to segregate the lands occupied by the Indians and have them taken in severalty have been exercised to as great an extent as conditions have seemed to warrant. By its provisions the lands allotted in severalty were to be held in trust for a period of twenty-five years, and the Indians were to become citizens ofthe United

States and of the several States at the instant of the approval of their allotments. The same act subjected allotments to the local laws of descent and partition during the trust period. This provision, taken in connection with the act of May 27, 1902 (32 Stat. L., 245), authorizing the sale of deceased allottees' land, has given rise to a mass of conflicting procedure by inferior courts of the several States and Territories, resulting in more evil than good. The mere fact of so much conflict in the views and procedure of such courts makes the Indian administrative work extremely difficult and impedes the progress of the Indians as a whole.

Such conditions made plain the need of some law which would enable the Indian Office to manage the affairs of thehelpless class with undisputed authority, but, on the other hand, to remove from the roll of wards and dependents the large and increasing number of Indians who no longer need any supervision from a bureau in Washington. Hence the act of May 8, 1906 (34 Stat. L., 184), was passed.

This act materially modifies the general allotment act of February 8, 1887, and provides, among other things, that until the issuance of fee-simple patents allallottees to whom trust patents shall hereafter be issued shall be subject to the exclusive jurisdiction of the United States. It also confers authority on the Secretary of the Interior, in his discretion, to terminate the trust period by issuing a patent in fee simple whenever he shall be satisfied that any Indian allottee is competent and capable of managing his or her affairs. At 48-49.

When it is supplemented by other legislation which



will enable their pro rata shares of the tribal moneys to be paid, principal and interest, to competent Indians, the beginning of the end will be at hand. Such Indians, owning their land infee, and receiving their portions of the tribal property without restriction, can not by any course of action maintain a claim for further consideration. Through such measures the grand total of the nation's wards will be diminished daily and at a growing ratio. At 50.